



Teaching
Regulation
Agency

Dr Paul Dean: Professional conduct panel meeting outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

October 2021

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Dr Paul Dean
Teacher ref number:	7841612
Teacher date of birth:	13 August 1953
TRA reference:	16985
Date of determination:	4 October 2021
Former employer:	Dragon School, Oxford and Summer Fields School, Oxford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by video conference on 4 October 2021 to consider the case of Dr Paul Dean.

The panel members were Ms Susanne Staab (teacher panellist – in the chair), Professor Roger Woods (former teacher panellist) and Mr David Raff (lay panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Dr Dean that the allegations be considered without a hearing. Dr Dean provided a signed statement of agreed facts and admitted conviction of relevant offences. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jacob Rickett or the teacher, Dr Dean.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 17 September 2021.

It was alleged that Dr Dean was guilty of having been convicted of relevant offences, in that he had been convicted of:

Offence 1: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

Offence 2: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

Offence 3: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Victim surcharge £110.00 costs £85.00. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

The teacher admits the offences and that they amount to convictions of relevant offences.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

In advance of the meeting, the panel received a bundle of documents which included:

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of referral and response and notice of proceedings and response – pages 5 to 9

Section 3: Statement of Agreed Facts and Presenting Officer representations – pages 10 to 16

Section 4: Teaching Regulation Agency documents – pages 17 to 33

Section 5: Teacher documents – pages 34 to 45

Section 6: Notice of meeting – pages 46 to 47

The panel members confirmed that they had read all of the documents within the bundle in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Dr Dean on 9 August 2021.

Decision and reasons

In advance of the meeting, the TRA agreed to a request from Dr Dean for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Following his early retirement in 2015, Dr Dean worked on a part-time basis at the Summer Fields School, teaching a scholarship class. He was separately asked to teach at Dragon School from 1 January 2017, on a zero hours contract, in order to provide the school with support following the departure of another of its teachers.

During the servicing of a private laptop, suspicions were raised regarding the internet history on the laptop. The police were contacted and conducted an investigation which resulted in Dr Dean being charged with the offences of making indecent images or pseudo-images of children.

Dr Dean was subsequently convicted on 26 February 2020 of three offences of making indecent images or pseudo-images of children. The images were categorised as A, B and C under the Protection of Children Act 1978.

Findings of fact

The panel found the following particulars of the allegations against you proved, for these reasons:

Offence 1: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

Offence 2: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended

imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

Offence 3: Making indecent photograph or pseudo-photograph of children on 31/01/18. Protection of Children Act 1978 s.1(a). Disposal: Suspended imprisonment 6 months wholly suspended 24 months. Rehabilitation activity requirement. Victim surcharge £110.00 costs £85.00. Sex Offenders Notice 7 years. Date/Court: 26/02/20. Oxfordshire Magistrates Court.

The panel considered the certified copy of the memorandum of entry entered into the register of the Oxford Magistrates' Court which identified the three convictions. This was further supported by the print out from the PNC database, which set out the three convictions.

The panel further noted that the allegations were admitted within the statement of agreed facts dated 9 August 2021.

The panel therefore found the allegations proven.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to convictions of relevant offences.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Dr Dean in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Dr Dean was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel noted that Dr Dean's actions were relevant to teaching, working with children and/or working in an education setting. Whilst the offences themselves did not involve pupils under Dr Dean's care, the conviction directly related to making photographs or pseudo-photographs of children.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Dr Dean's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Dr Dean's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, which the Advice states is likely to be considered a relevant offence.

The panel considered that these convictions were for offences that are relevant to Dr Dean's ongoing suitability to teach.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Dr Dean, which involved conviction for three offences of making category A, B and C indecent photographs or pseudo-photographs of children, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Dean were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Dr Dean was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Dr Dean.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Dr Dean. The panel took further account of the Advice, which suggests that a prohibition

order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel noted that the teacher's actions were deliberate and that he was not acting under duress. However the panel also noted that the teacher had a previously good record, supported by six references provided by friends and former colleagues, all of whom were aware of the offences he had been convicted of.

One former colleague noted, *"generations of pupils who have had Paul Dean as their teacher have been blessed by his dedication and selfless devotion to his craft."*

A second colleague noted, *"This behaviour is astoundingly out of character. Paul has always been a consummately professional teacher who holds all children, whether his students or not, in great respect and who would never harm or abuse anyone."*

A family friend noted, *"over the course of forty-seven years Paul Dean has constantly been very much engaged with the well-being of my daughter and our grandchildren, entertaining them when they were young, and going on to guide them with their education and with their career choices... I would trust him to the ends of the earth with all of my family members."*

The panel also considered the character reference of one friend who stated, *"the candour and remorse he has since shown in discussing how he came to be so involved has been reassuring, and might serve as a more general caveat to anyone."*

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition

order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Dr Dean of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Dr Dean. The serious nature of the offences was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child and this was directly relevant to Dr Dean's convictions.

Whilst Dr Dean showed insight into his actions, and was undergoing some rehabilitation activities, the panel did not find this was sufficient to mitigate against the serious nature of the offences.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Dr Paul Dean should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Dr Dean is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel finds that the conduct of Dr Dean fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding which involved a conviction for three offences of making indecent photographs or pseudo-photographs of children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Dr Dean, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Dr Dean, which involved conviction for three offences of making category A, B and C indecent photographs or pseudo-photographs of children, there was a strong public interest consideration in respect of the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Dean were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of a conviction for offences involving children and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Dr Dean himself and the panel comment “the panel also noted that the teacher had a previously good record, supported by six references provided by friends and former colleagues, all of whom were aware of the offences he had been convicted of.” A prohibition order would prevent Dr Dean from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning insight or remorse. The panel has said, “Whilst Dr Dean showed insight into his actions, and was undergoing some rehabilitation activities, the panel did not find this was sufficient to mitigate against the serious nature of the offences.”

I have also placed considerable weight on the finding of the panel that “Dr Dean’s behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Dean has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child and this was directly relevant to Dr Dean’s convictions.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, due to the nature of the conviction involving children allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Dr Paul Dean is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Dr Dean shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Dr Paul Dean has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 4 October 2021

This decision is taken by the decision maker named above on behalf of the Secretary of State.