



Teaching
Regulation
Agency

Mr David Thorn: Professional conduct panel outcome

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

June 2022

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

Teacher:	Mr David Thorn
Teacher ref number:	1239363
Teacher date of birth:	5 January 1992
TRA reference:	18322
Date of determination:	9 June 2022
Former employer:	The Portsmouth Academy, Portsmouth

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 9 June 2022 by way of a virtual hearing, to consider the case of Mr David Thorn.

The panel members were Mr Ian Carter (former teacher panellist – in the chair), Ms Aruna Sharma (teacher panellist) and Dr Angela Brown (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP solicitors.

Mr Thorn was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 13 April 2022.

It was alleged that Mr Thorn was guilty of having been convicted of a relevant offence, in that:

1. On or around 9 July 2019, he was convicted on his guilty plea at East Hampshire Magistrates' Court to possessing controlled drugs with intent to supply Class A Cocaine in breach of the Misuse of Drugs Act 1971 s.5(3).
2. On or around 9 August 2019 he was sentenced at Portsmouth Crown Court to
 - a. Suspended imprisonment 18 months wholly suspended for 24 months;
 - b. Forfeiture and destruction forfeiture;
 - c. Victim surcharge £140.00; and
 - d. Costs £200.00.
3. He is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:
 - a. He failed to inform the headteacher/principal that he was subject to criminal proceedings between the date of his arrest on 13 April 2019 and being asked in an investigation interview on 24 June 2019.

Mr Thorn made no admissions in respect of the allegations, and did not provide the TRA with any formal response in respect of this matter.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were:

- A letter to Mr Thorn from the TRA confirming a change of panellist.
- Email correspondence between Mr Thorn and Browne Jacobson confirming receipt of documents for use at the hearing, providing him with a Microsoft Teams link to attend the hearing and warning him that adverse inferences may be drawn by reason of his failure to provide a response to the allegations and/or to attend the hearing.
- A signed witness statement of [REDACT].

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession April 2018 (the "Procedures"). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the Procedures.

The panel considered the additional documents were relevant and did not raise any factual matters. The documents were primarily relevant to the question of whether to proceed in the absence, save for the witness statement which was very brief and did not raise any new points of fact. The panel was informed that the additional documents had been provided to Mr Thorn.

Accordingly, the documents were added to the bundle from page 89 onwards.

Application to proceed in the absence of the teacher

Mr Thorn was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Thorn.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Thorn in accordance with the Procedures.

The additional documents that the panel agreed to admit demonstrated that Mr Thorn had engaged with the presenting officer by email, confirmed receipt of the documentation

relevant to this hearing and received a Microsoft Teams link to the hearing. Despite this, Mr Thorn had not properly engaged with this process. In particular, he did not provide a response to the allegations against him nor did he provide a reason for his non-attendance.

The panel concluded that Mr Thorn's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Thorn had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Thorn was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witness of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were fair, bearing in mind that Mr Thorn was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Notice of proceedings – pages 4 to 14
- Section 2: Chronology – page 16
- Section 3: Teaching Regulation Agency documents – pages 18 to 88
- Section 4: Teacher documents – none provided

In addition, the panel agreed to accept the following:

- A letter to Mr Thorn from the TRA confirming a change of panellist.
- Email correspondence between Mr Thorn and Browne Jacobson confirming receipt of documents for use at the hearing, providing him with a Microsoft Teams link to attend the hearing and warning him that adverse inferences may be drawn by reason of his failure to provide a response to the allegations and/or to attend the hearing.
- A signed witness statement of [REDACT].

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witness called by the TRA:

- [REDACT]

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Thorn was employed as a maths teacher at the Portsmouth Academy ('the School') from 1 September 2018.

On 13 April 2019, Mr Thorn was arrested by Hampshire police for possession with intent to supply Class A drugs.

On 25 April 2019, the LADO informed the School that Mr Thorn had been arrested on suspicion of possession with intent to supply Class A drugs.

Mr Thorn was suspended from the School on 26 April 2019 and the School commenced an investigation. A disciplinary investigation meeting took place on 22 May 2019, during which Mr Thorn admitted that he had been arrested for possession with intent to supply drugs. He also admitted that he did not disclose his arrest or the fact that he was the subject of criminal proceedings to the headteacher or any other member of staff.

A disciplinary hearing took place on 24 June 2019 and it was decided that Mr Thorn should be summarily dismissed with immediate effect.

Mr Thorn was sentenced at Portsmouth Crown Court on 9 August 2019.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 9 July 2019, you were convicted on your guilty plea at East Hampshire Magistrates' Court to possessing controlled drugs with intent to supply Class A Cocaine in breach of the Misuse of Drugs Act 1971 s.5(3).**

- 2. On or around 9 August 2019 you were sentenced at Portsmouth Crown Court to**
 - a. Suspended imprisonment 18 months wholly suspended for 24 months;**
 - b. Forfeiture and destruction forfeiture;**
 - c. Victim surcharge £140.00; and**
 - d. Costs £200.00.**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel was provided with a copy of the certificate of conviction from Portsmouth Crown Court, which detailed that Mr Thorn had been convicted of possession with intent to supply cocaine, a Class A controlled drug. Mr Thorn was sentenced to 18 months' imprisonment, suspended for 24 months. In addition, he was made subject to an order under section 27 Misuse of Drugs Act 1971 for forfeiture/destruction/disposal of drugs, paraphernalia and mobile phones; an order under section 143 Powers of Criminal Courts (Sentencing) Act 2000 for forfeiture for £520; to pay a victim surcharge of £140; and to pay £200 towards the costs of the prosecution.

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1 and 2 were proven.

- 3. You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:**
 - a. You failed to inform the headteacher/principal that you was subject to criminal proceedings between the date of his arrest on 13 April 2019 and being asked in an investigation interview on 24 June 2019.**

The panel was provided with a copy of the School's Code of Conduct which stated: *"If you are subject to criminal proceedings you must disclose this to the Headteacher/Principal"* and *"You should notify the Headteacher/Principal if you are in any doubt about the effect of your conduct outside work"*.

The panel was provided with the notes from the disciplinary investigation meeting. The notes indicated that Mr Thorn confirmed that he did not notify the headteacher or any other member of staff of his arrest or that he was the subject to criminal proceedings. The notes also indicated that, following Mr Thorn's arrest on 13 April 2019, he came into work

on 23, 24 and 25 April 2019, yet failed to disclose his arrest to the headteacher or any other member of staff. Mr Thorn stated that he should have probably checked his contract and that he was awaiting correspondence from his solicitor as to whether he needed to inform the School of his arrest.

The panel heard oral evidence from [REDACT]. [REDACT] confirmed that Mr Thorn's arrest on 13 April 2019 took place during the Easter holidays and that Mr Thorn returned to school on 23 April 2019 for an inset day, before the new term commenced on 24 April 2019.

[REDACT] became aware of Mr Thorn's arrest on the evening of 25 April 2019, having been informed by the LADO. [REDACT] told the panel that the LADO made her aware of the seriousness of the matter and she therefore met with Mr Thorn on 26 April 2019 to suspend him. [REDACT] explained that the School's policy is not to go into detail regarding the reasons for suspension. However, during the meeting, Mr Thorn said words to the effect of: *"Is this because I was arrested?"* and also referred to the fact that he had not informed the School of his arrest because he was awaiting information from his solicitor. [REDACT] wrote to Mr Thorn confirming his suspension on 26 April 2019 (although the letter was dated 25 April 2019).

[REDACT] also confirmed that Mr Thorn discussed the circumstances relating to his arrest during the investigation meeting on 22 May 2019 and intimated that there were criminal proceedings, although she did not think he had been formally charged at this point and she was not in attendance at that meeting.

The panel carefully considered the wording of allegation 3(a) and noted that it was tasked with deciding whether Mr Thorn had failed to inform the headteacher/principal that he was subject to criminal proceedings between the date of his arrest on 13 April 2019 and being asked in an investigation interview on 24 June 2019.

Firstly, the panel noted that the investigation interview took place on 22 May 2019 and not on 24 June 2019 which was, in fact, the date of Mr Thorn's dismissal.

Secondly, although Mr Thorn did not disclose his arrest until after the LADO had contacted the School, the evidence before the panel confirmed that he did inform the headteacher that he was subject to criminal proceedings during the period between 13 April 2019 and 24 June 2019. [REDACT] confirmed that Mr Thorn referred to his arrest during the suspension meeting on 26 April 2019. Furthermore, he discussed his arrest and the circumstances relating to it during the investigation meeting on 22 May 2019.

There was no doubt in the panel's mind that Mr Thorn should have informed the headteacher of his arrest and the associated criminal proceedings immediately and that, by failing to do so, he did not comply with the School's Code of Conduct or his

professional obligations as a teacher. However, that was not what the panel had been asked to consider.

Unfortunately, the panel was constrained by the wording of allegation 3(a), which it considered to be poorly drafted, such that it was unable to find it proven on examination of the evidence before it.

The panel therefore found allegation 3(a) not proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

The panel did not find allegation 3(a) proven and therefore did not consider unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

However, having found allegations 1 and 2 proven, the panel went on to consider whether the facts of those proven allegations amounted to a conviction of a relevant offence. In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Thorn, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Thorn 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that allegations 1 and 2 took place outside the education setting. It noted that the Advice indicates that misconduct outside of the education setting may only be considered to be relevant if it is serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of them, therefore bringing the profession into disrepute.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Thorn's behaviour in committing the offence would 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 Mr Thorn'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 concerning an offence involving possession of Class A drugs and/or possession with intent to supply Class A drugs, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Thorn's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence/these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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.

The panel was aware that 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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Thorn, which involved a conviction for possession with intent to supply Class A drugs, there was a strong public interest consideration in respect of the protection of pupils and members of the public.

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

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

In view of 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 Mr Thorn.

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 Mr Thorn. 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 were relevant in this case were:

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

Mr Thorn did not engage in these proceedings and the panel was not provided with any mitigation evidence from Mr Thorn. There was no evidence before the panel to suggest that Mr Thorn demonstrated insight or remorse in respect of his actions.

There was no evidence before the panel that Mr Thorn's actions were not deliberate or that he was acting under extreme duress. Furthermore, no evidence was submitted to attest to Mr Thorn's previous history as a teacher, to demonstrate that he had exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

In fairness to Mr Thorn, the panel considered the comments he made during the disciplinary investigation meeting on 22 May 2019. During the investigation, Mr Thorn appeared to acknowledge that his conduct was not acceptable. Mr Thorn admitted to taking illegal substances whilst employed by the School, but stated that he had only done so during the school holidays and that he had never taken drugs in public. There was no evidence before the panel that Mr Thorn had been under the influence of drugs whilst teaching or on school premises, or that his conduct had caused any harm to pupils of the School.

Although Mr Thorn was convicted of the possession of Class A drugs with intent to supply, the panel noted that during the investigation meeting he indicated that he intended to plead not guilty to the intent to supply Class A drugs. He said he had purchased cocaine for personal use and that the person who sold him the cocaine had also given him a bag and asked him to look after it. Mr Thorn was later stopped by the police and that bag was found to contain more cocaine, mobile phones and money.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the panel's findings 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 would be sufficient, would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Thorn of prohibition.

The panel concluded that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Thorn. The lack of insight or remorse together with the seriousness of the conviction were significant factors 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 for it to decide to recommend a review period of the order. 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 panel considered paragraph 50 of the Advice which sets out behaviours which would militate against the recommendation of a review period. The panel concluded that Mr Thorn was not responsible for any such behaviours.

The panel also considered paragraph 51 of the Advice which sets out behaviours which would weigh in favour of a longer review period. The panel conclude that some of those behaviours were relevant in this matter, namely:

- possession (including for personal use) of any class A drug; and
- possession with intent to supply another person, supply (selling, dealing or sharing) and production of any class A, B, C or unclassified drugs

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review

period of four years. Whilst the panel acknowledged the serious nature of Mr Thorn's conduct and conviction, it was of the view that a period of four years was fair and just in the circumstances. The panel considered this to be a sufficient amount of time for Mr Thorn to reflect on his actions and the value he could still have to the teaching profession, take steps to ensure that there is no risk of repetition and demonstrate insight and remorse.

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 some of the allegations proven and found that those proven facts amount to a relevant conviction. In this case, the panel has found some of the allegations not proven including 3 a. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr David Thorn should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Mr Thorn 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Thorn fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding which involved a conviction for possession with intent to supply Class A drugs.

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 Mr Thorn, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Thorn did not engage in these proceedings and the panel was not provided with any mitigation evidence from Mr Thorn. There was no evidence before the panel to suggest that Mr Thorn demonstrated insight or remorse in respect of his actions." In my judgement, the lack of evidence of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Thorn was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of a relevant conviction involving Class A drugs in this case 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 Mr Thorn himself and the panel comment "no evidence was submitted to attest to Mr Thorn's previous history as a teacher, to demonstrate that he had exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector."

A prohibition order would prevent Mr Thorn 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 the lack of insight or remorse. The panel has said, "The panel concluded that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Thorn. The lack of insight or remorse together with the seriousness of the conviction were significant factors 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."

In addition I have considered the following comment from the panel "In fairness to Mr Thorn, the panel considered the comments he made during the disciplinary investigation meeting on 22 May 2019. During the investigation, Mr Thorn appeared to acknowledge that his conduct was not acceptable. Mr Thorn admitted to taking illegal substances whilst employed by the School, but stated that he had only done so during the school holidays and that he had never taken drugs in public. There was no evidence before the panel that Mr Thorn had been under the influence of drugs whilst teaching or on school premises, or that his conduct had caused any harm to pupils of the School."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Thorn 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, that is not backed up by full remorse or insight, 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 a 4 year review period.

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of four years. Whilst the panel acknowledged the serious nature of Mr Thorn's conduct and conviction, it was of the view that a period of four years was fair and just in the circumstances. The panel considered this to be a sufficient amount of time for Mr Thorn to reflect on his actions and the value he could still have to the teaching profession, take steps to ensure that there is no risk of repetition and demonstrate insight and remorse."

I have considered whether a 4 year 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, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are seriousness of the findings involving Class A drugs and the lack of full insight and remorse.

I consider therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr David Thorn is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2026, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Thorn remains prohibited from teaching indefinitely.

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

Mr David Thorn 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 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 14 June 2022

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