



Teaching  
Regulation  
Agency

# **Mr Lee Alan Dixon: Professional conduct panel outcome**

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

**February 2022**

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

<b>Teacher:</b>	Mr Lee Alan Dixon
<b>Teacher ref number:</b>	1132088
<b>Teacher date of birth:</b>	28 June 1978
<b>TRA reference:</b>	18904
<b>Date of determination:</b>	16 February 2022
<b>Former employer:</b>	Churchill Community College, Tyne and Wear

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 16 February 2022 remotely via Microsoft Teams, to consider the case of Mr Dixon.

The panel members were Mr Roger Woods (former teacher panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Ms Penny Griffith (lay panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Thomas Coke-Smyth of QEB Hollis Whiteman.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 7 December 2021.

It was alleged that Mr Dixon was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. On Tuesday 13 November 2018, at the end of a Technology lesson Pupil A approached Mr Dixon to ask a question at which point he nipped and/or grabbed the skin on his arm.
2. Mr Dixon's conduct at 1 was an assault in that he intentionally or recklessly applied unlawful force to Pupil A.
3. Mr Dixon's conduct at 1 resulted in:
  - a. Bruising to Pupil A; and/or
  - b. Pupil A crying.

Mr Dixon did not accept the allegations.

## Preliminary applications

### Application to proceed in the absence of Mr Dixon

The panel considered an application from the presenting officer to proceed in the absence of Mr Dixon.

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*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

Mr Dixon was clearly aware of the hearing and had responded to the Notice, confirming that he would not be attending and that he was content for the hearing to proceed.

The panel went on to consider whether to proceed in Mr Dixon's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Dixon was not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Mr Dixon for the following reasons:

- Mr Dixon had not sought an adjournment and there was no medical evidence before the panel which indicated that Mr Dixon was unfit to attend the hearing due to ill-health.
- The panel was satisfied that Mr Dixon's absence was voluntary and he had waived his right to attend.
- The risk of reaching the wrong conclusion and the disadvantage to Mr Dixon in not being present were mitigated by the fact that he has provided submissions in respect of the allegations.
- Given Mr Dixon's non-engagement, there was no indication that he might attend at a future date such that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.
- There are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it would be appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Dixon is neither present nor represented.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list - pages 1 to 2 (and separate document)

Section 2: Notice of Referral, response, Statement of Agreed Facts, Notice of Proceedings and Response - pages 3 to 22

Section 3: Teaching Regulation Agency documents - pages 23 to 38

Section 4: Fieldfisher documents - pages 39 to 51

Section 5: Teacher documents - pages 52

Section 6: Relevant correspondence - pages 53 to 62

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

## **Witnesses**

The panel did not hear any oral evidence.

## **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 Dixon had been employed at Churchill Community College since 1 September 2018 as a Design Technology teacher. On 13 November 2018, it is alleged that Mr Dixon nipped Pupil A during a wood technology class, as Pupil A approached him to ask a question. Pupil A described this causing a stinging sensation on the skin of his arm and caused a bruise.

Mr Dixon was investigated by the school and subsequently dismissed from his post. Mr Dixon was also found guilty of assault and received a 12 month conditional discharge.

## **Findings of fact**

The findings of fact are as follows:

The panel did not have the benefit of hearing any live evidence from witnesses when considering the facts. The panel, has, therefore, relied on the written statements provided by Pupil A and Pupil B, along with the various responses from Mr Dixon. The panel was mindful that it did not have the benefit of testing the evidence of those directly involved in the alleged incident.

The panel accepted the legal advice provided. The panel confirms that it has not relied upon any findings made, or opinions expressed, during the earlier investigation or subsequently. It formed its own, independent view of the allegations based on the evidence presented to it.

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

**1. On Tuesday 13 November 2018, at the end of a Technology lesson Pupil A approached you to ask a question at which point you nipped and/or grabbed the skin on his arm.**

Pupil A alleges that at the end of a wood technology class with Mr Dixon, he approached him to ask him a question. Pupil A states that Mr Dixon leant over and "nipped" him. Pupil A states that he did not know why Mr Dixon nipped him but recalls that Mr Dixon apologised.

Pupil B states in his written evidence that he witnessed the incident. Pupil B was unable to hear what had been said initially, but saw that Mr Dixon reached out and nipped Pupil A on his left arm.

Mr Dixon's accounts of what happened are contradictory. The panel notes that in his initial written response to the allegation, which was provided by the school, Mr Dixon accepted that he pinched Pupil A. He states that it was a "joke". Mr Dixon stated that it was unprovoked and said that he tried to apologise to Pupil A. When Mr Dixon was interviewed by the police, his account contradicted his previous account provided to the school. Specifically, the panel noted that Mr Dixon subsequently told the police that Pupil A approached him with his hands waving and that he seemed excited and silly. Mr Dixon stated that he reached for Pupil A as he thought he was going to fall into him or get him in the eye. When he reached for Pupil A, he caught the underside of his arm and thumb.

The panel accepted that Mr Dixon's first account was more credible and on the balance of probabilities, the panel found this allegation proved.

**2. Your conduct at 1 was an assault in that you intentionally or recklessly applied unlawful force to Pupil A.**

Pupil A's written account stated that Mr Dixon leant over and nipped him. Pupil A was unable to say why this happened, but stated that he did not think it was accidental.

Pupil B stated that he heard Mr Dixon apologise. Pupil B stated that he was unsure if Mr Dixon had been provoked by Pupil A.

The panel note that Mr Dixon initially accept that he nipped Pupil A and he acknowledged that this was unprovoked. The panel accepted that Mr Dixon's actions were reckless. However, it was unable to identify sufficient evidence that supported that his actions were intentionally done to cause harm to Pupil A.

On the balance of probabilities, the panel found this allegation proved.

### **3. Your conduct at 1 resulted in:**

#### **a. Bruising to Pupil A; and/or**

#### **b. Pupil A crying.**

Pupil A's written evidence stated that the nip caused a stinging sensation on the skin of his arm and that a bruise formed on his arm. In his statement to the police, Pupil A stated that he walked away after Mr Dixon nipped him and was crying.

Pupil B states that he heard Mr Dixon apologise. Pupil B described Pupil A as "bright red in the face and crying". Pupil B took a photograph of the bruise. Whilst the panel note that this photo is undated, it accepted that the location of the bruise in the photograph was consistent with the written witness evidence provided by Pupil A and Pupil B.

In Mr Dixon's response to the police, he denied nipping Pupil A and causing a bruise to Pupil A. This contradicted his initial statement provided by the school.

On the balance of probabilities, the panel found this allegation proved.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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 Mr Dixon, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Dixon 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, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;



- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Dixon amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Dixon's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of violence was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel was satisfied that Mr Dixon was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are 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.

The panel therefore found that Mr Dixon's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Mr Dixon's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 all of them to be relevant in this case, namely, the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Dixon, which involved an assault of a child, 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 Mr Dixon were 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 Dixon 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 Dixon.

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 Dixon. 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.

The panel noted that whilst it was unable to identify sufficient evidence that supported that Mr Dixon's actions were intentionally done to cause harm to Pupil A, it accepted that there was evidence that indicated Mr Dixon's actions were deliberate. There was no evidence to suggest that Mr Dixon was acting under duress.

The panel was not provided with any evidence from any colleagues that could attest to his previous conduct, his character or abilities as a teacher.

The panel was not presented with any evidence that Mr Dixon was or was not a continuing risk to pupils.

The panel noted that Mr Dixon's responses to the allegations changed. In particular, in his written response to the school, he accepted that he had nipped Pupil A, as a joke, and had apologised to Pupil A for this. When he was later interviewed by the police, Mr Dixon denied nipping Pupil A. In written representations submitted to the TRA, Mr Dixon stated that "*any injury was entirely accidental, unmalicious and was provoked by Pupil A. I therefore continue to protest my innocence and feel justice was not upheld in my case*". Mr Dixon also wrote, in submissions provided to the TRA, "*I remain defiant about my suspended conviction*".

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Dixon 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 Mr Dixon. A significant factor in forming that opinion, was that the panel found that Mr Dixon's behaviours were associated with an offence of violence, albeit, at the lower end of the scale. 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 Advice indicates that there are behaviours where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These include behaviours that are associated with violence.

Although the panel felt that the actions of Mr Dixon were at the lower end of the behaviours associated with violence, it was concerned that Mr Dixon had provided contradictory responses to the allegations. The panel were particularly concerned that Mr Dixon had stated that he "*remained defiant*" and maintained his innocence, although he had initially accepted that he nipped Pupil A in his statement to the school.

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 after a period of 3 years.

The panel felt that Mr Dixon would have to demonstrate significant insight and evidence of remediation should he apply to set aside the prohibition order.

## **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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Lee Dixon should be the subject of a prohibition order, with a review period of three-years.

In particular, the panel has found that Mr Dixon 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, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- 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 Dixon fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of assault, in that Mr Dixon intentionally or recklessly applied unlawful force to Pupil A.

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 Dixon, 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, "The panel noted that whilst it was unable to identify sufficient evidence that supported that Mr Dixon's actions were intentionally done to cause harm to Pupil A, it accepted that there was evidence that indicated Mr Dixon's actions were deliberate." The panel also noted "The panel was not presented with any evidence that Mr Dixon was or was not a continuing risk to pupils." 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, "The panel felt that Mr Dixon would have to demonstrate significant insight and evidence of remediation should he apply to set aside the prohibition order."

"The panel noted that Mr Dixon's responses to the allegations changed. In particular, in his written response to the school, he accepted that he had nipped Pupil A, as a joke, and had apologised to Pupil A for this. When he was later interviewed by the police, Mr Dixon denied nipping Pupil A. In written representations submitted to the TRA, Mr Dixon stated that *"any injury was entirely accidental, unmalicious and was provoked by Pupil A. I therefore continue to protest my innocence and feel justice was not upheld in my case"*. Mr Dixon also wrote, in submissions provided to the TRA, *"I remain defiant about my suspended conviction"*.

In my judgement, there appears to be a lack of insight which 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Dixon were not treated with the utmost seriousness when regulating the conduct of the profession."

I am particularly mindful of the finding of assault 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 Dixon himself. A prohibition order would prevent him from teaching and clearly deprive the public of his contribution to the profession for the period that it is in force. I note that “The panel was not provided with any evidence from any colleagues that could attest to his previous conduct, his character or abilities as a teacher.”

I have also placed considerable weight on the observation of the panel that “Mr Dixon had provided contradictory responses to the allegations.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Dixon 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 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 three-year review period.

I have considered the panel’s comments “Although the panel felt that the actions of Mr Dixon were at the lower end of the behaviours associated with violence, it was concerned that Mr Dixon had provided contradictory responses to the allegations. The panel were particularly concerned that Mr Dixon had stated that he “*remained defiant*” and maintained his innocence, although he had initially accepted that he nipped Pupil A in his statement to the school.”

I have considered whether a three-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, the factors that mean a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession are the lack of either insight or remorse and the finding of assault.

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

**This means that Mr Lee Dixon 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 21 February 2025, three 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 Dixon remains prohibited from teaching indefinitely.

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

Mr Lee Dixon 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.



**Decision maker: John Knowles**

**Date: 21 February 2022**

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