



Teaching  
Regulation  
Agency

# **Mr Anthony Dunn: Professional conduct panel outcome**

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

**May 2021**

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

<b>Teacher:</b>	Mr Anthony Dunn
<b>Teacher ref number:</b>	8353177
<b>Teacher date of birth:</b>	2 June 1954
<b>TRA reference:</b>	18641
<b>Date of determination:</b>	11 May 2021
<b>Former employer:</b>	Newham Sixth Form College, London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 and 11 May 2021, remotely, to consider the case of Mr Anthony Dunn.

The panel members were Ms Karen McArthur (lay panellist – in the chair), Mr Kamal Hanif (teacher panellist) and Mr Richard Barratt (lay panellist).

The legal adviser to the panel was Mr Phil Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson solicitors.

Mr Dunn was present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 March 2021.

It was alleged that Mr Dunn was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Physics Teacher at Newham Sixth Form College between 19 August 2002 and 19 June 2019:

1. On or around 12 March 2019, he engaged in inappropriate and/or unprofessional behaviour towards Pupil A, including by:
  - a. Slapping Pupil A on the cheek and/or face;
  - b. Stating 'get out of my fucking classroom' and/or 'get out of my fucking house'; or making a comment to that effect.
2. On or around 24 April 2019, he received a caution for Assault by Beating in respect of his conduct, as may be found proven, at 1a above.
3. On or around 5 October 2014, he received a caution for assault by beating in respect of conduct relating to similar incidents towards another individual, showing a pattern of behaviour and/or a struggle to manage anger.

Mr Dunn admits the facts of allegations 1 and 2 in full and accepts that his conduct in respect of allegation 1 amounts to inappropriate and unprofessional behaviour. In respect of allegation 3, Mr Dunn admits that on 5 October 2014, he received and accepted a caution for assault by beating but does not admit that his actions constituted a pattern of behaviour and/or struggle to manage anger.

Mr Dunn admits that the facts of allegations 1, 2 and 3, as far as they are admitted, amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The above is confirmed in the statement of agreed and disputed facts signed by Mr Dunn on 1 March 2021.

## Preliminary applications

There were no 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.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology – page 2

Section 2: Notice of proceedings, response, and statement of agreed and disputed facts – pages 4 to 21

Section 3: Teaching Regulation Agency documents, including pupil statements, Police documents and LADO documents – pages 23 to 120

Section 4: Teacher documents – pages 122 to 135

In addition, the panel was provided with a social media video recording purported to have been recorded at the time of the incident relating to allegation 1.

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

### **Witnesses**

No witnesses were called by the presenting officer to give oral evidence. Mr Dunn gave 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 Dunn had been employed as a physics teacher at Newham Sixth Form College (the “School”) between 19 August 2002 and 19 June 2019.

In 2015, the School was made aware of a police caution which Mr Dunn received in October 2014 in respect of conduct involving [REDACTED] As a result of this, a support plan was put in place at the School which included Mr Dunn’s attending anger management therapy.

On 12 March 2019, during a support study lesson, a confrontation occurred between Mr Dunn and Pupil A who, at that time, [REDACTED]. During the confrontation, Mr Dunn shouted at Pupil A and subsequently slapped him. Pupil A placed Mr Dunn in a headlock before other pupils managed to separate them. Mr Dunn then left the classroom. Mr Dunn reported the incident to his line manager and sent a follow-up email with the details. The police were notified, via the LADO, and interviewed Mr Dunn on 27 March. On 24 April, Mr Dunn received and accepted a police caution for assault by beating contrary to Section 39 of the Criminal Justice Act 1988.

An internal investigation took place and a report was produced on 4 July 2019. The School convened a disciplinary hearing on 14 June 2019. Mr Dunn attended the hearing which resulted in Mr Dunn's dismissal as of 19 June 2019. Mr Dunn appealed on 25 June 2019, and an appeal meeting took place on 1 July 2019. Mr Dunn's appeal was not upheld, and Mr Dunn was informed of this on 3 July 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:

Whilst employed at Newham Sixth Form College:

**1. On or around 12 March 2019, you engaged in inappropriate and/or unprofessional behaviour towards Pupil A, including by:**

**a. Slapping Pupil A on the cheek and/or face;**

The allegation was admitted and supported by evidence presented to the panel, notably the statement of agreed and disputed facts signed by Mr Dunn, as well as other consistent written evidence in the bundle, including an email sent by Mr Dunn to a colleague on the day of the incident, the account of Mr Dunn's colleague, a record of Mr Dunn's admissions to the police, and the account of Pupil A. The allegation was therefore found proved.

**b. Stating 'get out of my fucking classroom' and/or 'get out of my fucking house'; or making a comment to that effect.**

The allegation was admitted and supported by evidence presented to the panel, notably the statement of agreed and disputed facts signed by Mr Dunn. Although Pupil A's account did not mention swearing, the panel noted other written evidence in the bundle including an email sent by Mr Dunn to a colleague on the day of the incident in which Mr Dunn stated that he swore. The panel also viewed the social media recording which contained words matching those in the allegation. The allegation was therefore found proved.

**2. On or around 24 April 2019, you received a caution for Assault by Beating in respect of your conduct, as may be found proven, at 1a above.**

The allegation was admitted by Mr Dunn and was supported by other evidence presented to the panel, notably a copy of the police record of simple caution and the signed statement of agreed and disputed facts. The panel therefore found the allegation proved.

**3. On or around 5 October 2014, you received a caution for assault by beating in respect of conduct relating to similar incidents towards another individual, showing a pattern of behaviour and/or a struggle to manage anger.**

The fact of Mr Dunn's receipt and acceptance of a caution for assault by beating on 5 October 2014 was admitted and supported by evidence presented to the panel, notably a copy of the police record of simple caution and the statement of agreed and disputed facts signed by Mr Dunn.

Mr Dunn denied that his actions constituted a pattern of behaviour and/or struggle to manage anger. The panel gave very careful consideration to the evidence before it on this point. It looked closely at the facts of the incidents in 2014 and 2019. The panel accepted that there were only two incidents and that the locations and individuals involved were different, but nevertheless found the incidents to be strikingly similar. Both involved a verbal altercation leading to Mr Dunn's loss of temper and commission of a physical assault involving a slap to the face. The panel also took into account that both incidents had resulted in a police caution. Although the incidents were 5 years apart, the panel considered that they appeared to be similar in nature. The second incident had been triggered at least in part by issues Mr Dunn was having [REDACTED]. The panel also noted that Mr Dunn had said during interviews with the School that the two incidents were 'linked', and had explained that ongoing issues relating to [REDACTED] may have triggered the incident with Pupil A. On the balance of probabilities, the panel therefore found that the two incidents amounted to a pattern of behaviour on Mr Dunn's part.

The panel then went on to consider whether the incidents showed a struggle to manage anger. The panel took into account that both incidents involved a clear loss of temper following a verbal altercation, resulting in violence towards another person. The panel took into account that Mr Dunn had attended anger management therapy following the 2014 incident and was aware of anger management techniques. However, the panel decided that facts of the allegations found proven at 1 and 2 showed that, on the balance of probabilities, Mr Dunn struggles to manage his anger.

The panel therefore found allegation 3 to be proved in its entirety.

## 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 Dunn, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Dunn 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; and
  - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies, and practices of the school in which they teach.
- 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 Dunn amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Dunn's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The Advice indicates at page 9 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 found that the offence of violence was relevant and that Mr Dunn's conduct displayed behaviours associated with this offence. The panel also took into account that Mr Dunn had accepted a police caution under Section 39 of the Criminal Justice Act 1988.

The panel noted that allegation 3 related to an incident that took place outside the education setting. However, the panel considered that given the pattern of behaviour and struggle to manage anger which it had found proven, this conduct was relevant to its consideration of unacceptable professional conduct as it affected the way the way in



which Mr Dunn fulfilled his teaching role and may have led to pupils (in particular Pupil A) being exposed to, or influenced by, the behaviour in a harmful way.

In addition, Mr Dunn was an experienced teacher who should have been well aware of the conduct expected of him, but nevertheless engaged in behaviour which fell significantly short of expectations.

Accordingly, the panel was satisfied that Mr Dunn is 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 panel referred again to page 9 of the Advice which states that where behaviours associated with one of the offences listed on pages 10 and 11 of the Advice have been displayed, a panel is likely to conclude that an individual's conduct would amount to conduct which may bring the profession into disrepute.

The panel again considered its findings in relation to allegation 3 to be relevant although this related to an incident that took place outside the education setting. The panel considered that the relevant misconduct was serious and would be likely to have a negative impact on Mr Dunn's status as a teacher, potentially damaging the public perception.

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

In summary, having found the facts of particulars 1, 2 and 3 proved in full, the panel further found that Mr Dunn'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 at page 12 of the Advice and having done so, found all of them to be relevant in this case, namely, the protection of pupils and 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 Dunn, which involved engaging in inappropriate and unprofessional behaviour, including violence, there was a strong public interest consideration in respect of the protection of pupils and other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if Mr Dunn's conduct was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel concluded that there was a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mr Dunn was well outside that which could reasonably be tolerated.

The panel considered that the adverse public interest considerations set out above would outweigh any interest in retaining Mr Dunn in the profession. He undoubtedly had an ability as an educator, had been a teacher for a lengthy period, and has skills which are valuable to the profession. However, Mr Dunn had fundamentally breached the trust placed in him by physically abusing a pupil.

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 Dunn. Mr Dunn indicated that he has retired from the profession and does not intend to return to it but explained that a prohibition order would nevertheless significantly impact his mental health, self-esteem, and family life, and would affect his chances of finding roles in the voluntary sector.

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 Dunn. 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;
- misconduct seriously affecting the education and/or well-being of pupils;
- abuse of position or trust or violation of the rights of pupils; and

- the commission of a serious criminal offence, including those that resulted in a conviction or caution.

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 Dunn gave evidence that he had been under high levels of stress at the time of the incident involving Pupil A, stemming from [REDACTED], and that he should have handled the situation differently. The panel accepted that Mr Dunn's actions in relation to Pupil A were not anticipated, planned or deliberate, and that stress from his personal life had been a contributing factor to the incident. The panel were told that Mr Dunn had a previous good history of teaching spanning more than 30 years prior to the incident relating to Pupil A. The panel considered four character references in the bundle from ex-colleagues and ex-students which included comments that Mr Dunn 'has a lot of patience', is 'kind and generous', 'supportive and compassionate', 'a great example of a decent human being', 'caring', responded to misbehaviour in 'a professional and calm manner', and that the incident with Pupil A was 'completely out of character'. However, the panel was not able to test this evidence and noted that, according to Mr Dunn, those making statements had in the most part not been aware of the facts of the incident involving Pupil A at the time they made them. The panel therefore gave this evidence less weight.

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 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 Dunn 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 Dunn. The significant factors in forming that opinion were: Mr Dunn had acted with violence towards a pupil in his care, in front of a number of other children in the classroom; his actions led to the incident being partially recorded and then shared on social media where it potentially could have been seen by many other children both inside and outside of the School; and Mr Dunn had previously received a police caution for a similar act of violence. 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 that, if proved, would militate against the recommendation of a review period. One of these behaviours is violence, and the panel had found two incidences of violence proven. The panel found that Mr Dunn, while in a position of trust, was responsible for violence against a pupil within the education setting. In addition, he had previously committed a violent act against another individual.

The panel considered written and oral statements made by Mr Dunn and accepted that Mr Dunn was aware of the effect of his actions on his colleagues and the School. The panel accepted that Mr Dunn had made use of and learnt from [REDACTED] and had reflected on his actions to an extent. The panel again took note of comments made by others in relation to Mr Dunn's abilities as a teacher, and also took account of Mr Dunn's previous good history within the education setting. However, despite his reflection upon the incident the panel considered that Mr Dunn had shown only limited insight into his actions, and, in particular, had not properly considered the effect of his actions on Pupil A or the other pupils who witnessed the incident. The panel was not convinced that Mr Dunn would be able to control his anger should a similar situation arise in future.

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 provisions 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 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 Anthony Dunn should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Anthony Dunn 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; and
  - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies, and practices of the school in which they teach.
- 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 Dunn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of inappropriate and/or unprofessional behaviour towards a Pupil and receiving 2 separate cautions for assault.

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 Dunn, 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, “given the pattern of behaviour and struggle to manage anger which it had found proven, this conduct was relevant to its consideration of unacceptable professional conduct as it affected the way the way in which Mr Dunn fulfilled his teaching role and may have led to pupils (in particular Pupil A) being exposed to, or influenced by, the behaviour in a harmful way”. 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 Dunn gave evidence that he had been under high levels of stress at the time of the incident involving Pupil A, stemming from [REDACTED], and that

he should have handled the situation differently. The panel accepted that Mr Dunn's actions in relation to Pupil A were not anticipated, planned or deliberate, and that stress from his personal life had been a contributing factor to the incident."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In light of the panel's findings against Mr Dunn, which involved engaging in inappropriate and unprofessional behaviour, including violence, there was a strong public interest consideration in respect of the protection of pupils and other members of the public". I am particularly mindful of the finding of violence involving a pupil 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 Dunn himself and the panel comment "The panel were told that Mr Dunn had a previous good history of teaching spanning more than 30 years prior to the incident relating to Pupil A". A prohibition order would prevent Mr Dunn 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 following comments from the panel "Despite his reflection upon the incident the panel considered that Mr Dunn had shown only limited insight into his actions, and, in particular, had not properly considered the effect of his actions on Pupil A or the other pupils who witnessed the incident. The panel was not convinced that Mr Dunn would be able to control his anger should a similar situation arise in future."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Dunn 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 panel found that Mr Dunn, while in a position of trust, was responsible for violence against a pupil within the education setting. In addition, he had previously committed a violent act against another individual."

I have considered whether not allowing for 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, a number of factors mean that a 2year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are limited evidence of insight and the repeated violence found proven.

I consider therefore that not allowing a period of review is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Anthony Dunn 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 Mr Dunn 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.

Mr Dunn 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 horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 17 May 2021**

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