



Teaching  
Regulation  
Agency

# **Mr Daniel Jackson: Professional conduct panel meeting outcome**

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

**January 2023**

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

<b>Teacher:</b>	Mr Daniel Jackson
<b>Teacher ref number:</b>	0859817
<b>Teacher date of birth:</b>	19 September 1979
<b>TRA reference:</b>	18860
<b>Date of determination:</b>	9 January 2023
<b>Former employer:</b>	St Mary's Independent School, Southampton

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 January 2023, by virtual means, to consider the case of Mr Daniel Jackson.

The panel members were Mr Clive Sentance (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Mrs Patricia Hunt (former teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Daniel Jackson that the allegations be considered without a hearing. Mr Daniel Jackson provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Daniel Jackson or his representative.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 22 December 2022.

It was alleged that Mr David Jackson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at St Mary's Independent School:

1. Between around 6 - 8 November 2019, he engaged in conversations of an inappropriate and/or sexual nature via the online chat room 'Just-Teens' using a school laptop.
2. His conduct at 1 above was sexually motivated.

Mr Jackson admitted the alleged facts and also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Mr Jackson signed a statement of agreed facts to that effect.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 7

Section 2: Notice of Referral, response and Notice of Meeting – pages 8 to 22

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 23 to 26

Section 4: Teaching Regulation Agency documents – pages 27 to 210

Section 5: Teacher documents – pages 211 to 212

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

## Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Daniel Jackson on 10 August 2022.

## Decision and reasons

The panel carefully considered the case and reached a decision.

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

Mr Jackson was employed at St Mary's Independent School ("the School") from 1 September 2010 until 30 December 2019 as a Chemistry Teacher.

On 7 November 2019 the School's e-safe monitoring system detected that Mr Jackson's work laptop had accessed a site called 'Just-Teens' and highlighted sexual communication which appeared to be with a child. The School obtained screenshots from their e-safe monitoring system showing the suspected chat room conversations. These were provided to the police.

The police seized electronic devices in Mr Jackson's possession, including his school laptop, mobile phone and several electronic storage devices. Mr Jackson was interviewed by the police on 8 November 2019 but provided no comment. He was released without charge or bail pending further investigation.

On 26 November 2019, Mr Jackson sent a letter to the School in which he resigned from his post and said that he believed that it was the right time to seek a different career.

Mr Jackson's electronic devices were forensically examined by the police, but no further evidence was found which gave rise to an offence. The police were unable to obtain any further information from the 'Just-Teens' chatroom or host site and therefore were unable to confirm the ages of the individuals that Mr Jackson had corresponded with.

The police investigation concluded in around August/September 2020 with no further action being taken. Whilst the police were unable to support a prosecution, they considered there were sufficient links to indicate that Mr Jackson used a work laptop to hold inappropriate conversations with suspected teenage girls (both under and over 18 years old). The Police considered that Mr Jackson posed a potential risk to children and therefore he was issued with a C5 Notice (a notice indicating police concerns about a person's sexual behaviour) on 13 October 2020.

On 20 May 2020 Mr Jackson was included on the DBS Children's Barred List.

## **Findings of fact**

The findings of fact are as follows:

**It was alleged that you were guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at St Mary's Independent School:**

- 1. Between around 6 – 8 November 2019, you engaged in conversations of an inappropriate and/or sexual nature via the online chat room 'Just-Teens' using a school laptop.**

Mr Jackson admitted that between around 6 to 8 November 2019, he engaged in conversation of an inappropriate and/or sexual nature via the online chat room 'Just-Teens' using a school laptop.

Mr Jackson signed a statement of agreed facts in which he acknowledged that the screenshots obtained by the School's e-safe monitoring software confirmed that it was his user name ([REDACTED]) and computer ([REDACTED]) which accessed the chatroom site called 'Just-Teens' between around 6 to 8 November 2019. The screenshots also showed that the username [REDACTED] was used to access the chatroom and engage in conversations. The police were able to link the username [REDACTED] to Mr Jackson following cross-reference to his other electronic devices which were forensically examined.

In the statement of agreed facts, Mr Jackson also accepted that the screenshots obtained included conversations discussing the other chatroom user as having 'detention' and reference a person aged 18 as 'older', suggesting that the individual was of school age or at least purporting to be of school age.

The panel found allegation 1 proved.

- 2. Your conduct at 1 above was sexually motivated.**

Mr Jackson admitted that the screenshots of the chatroom conversations that occurred between around 6 to 8 November 2019 contained a number of sexually explicit conversations with other chatroom users, including reference to sexual interactions with children. The panel reviewed copies of the screenshots in the bundle of evidence and reached the same conclusion.

Mr Jackson also admitted that his conduct in allegation 1 above was sexually motivated; meaning that his conduct was in pursuit of sexual gratification or in pursuit of a future

sexual relationship. This admission reflected the legal test for sexual motivation established in *Basson v General Medical Council [2018] EWHC 505 (Admin)*.

The panel found allegation 2 proved.

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

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

Mr Jackson admitted that his conduct in allegations 1 and 2 amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account, but made its own determination.

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 Daniel Jackson in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Jackson 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
  - showing tolerance of and respect for the rights of others
  - ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Jackson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Jackson'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 sexual activity 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.

Accordingly, the panel was satisfied that Mr Jackson 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 they behave.

The findings of misconduct were 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 Jackson's actions constituted 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 a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.



In the light of the panel's findings against Mr Jackson, which involved sexually motivated conduct, 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 Jackson were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

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 Jackson. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of a position of trust (particularly involving pupils);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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.

Whilst the panel noted that Mr Jackson appeared to have a good disciplinary record, there was no evidence that his actions were not deliberate nor that he was acting under duress.

In his letter of resignation dated 26 November 2019, Mr Jackson said, *'You may recall, in May 2018 I was off work [REDACTED] and the doctor recommended that I leave my job at St Mary's then. I did not take this advice. Given my current situation and the [REDACTED] I am again experiencing, I believe that it is the right time to leave my post and seek a different career'*. The panel noted that no medical evidence was provided by Mr Jackson.

No character references or testimonials were provided.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Jackson 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 Jackson. The sexually motivated conduct was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any sexual misconduct involving a child.

Although Mr Jackson has admitted his conduct in the Statement of Agreed Facts, there was no evidence of any insight into his actions, any consideration of their impact on children or any remorse.

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

## Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found both 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 Daniel Jackson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Jackson 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
  - showing tolerance of and respect for the rights of others
  - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also states that it, "was satisfied that the conduct of Mr Jackson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of, "sexually motivated conduct."

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 Jackson, 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 children and safeguard pupils. The panel has observed, “that the offence of sexual activity was relevant.” 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, “there was no evidence of any insight into his actions, any consideration of their impact on children or any remorse.”

In my judgement, the lack of insight 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, “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 they behave. The findings of misconduct were 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.”

I am particularly mindful of the finding of sexual misconduct 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 Jackson himself. The panel comment “No character references or testimonials were provided.”

A prohibition order would prevent Mr Jackson from teaching and 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 also said, “The panel decided that the public interest considerations outweighed the interests of Mr Jackson. The sexually motivated conduct was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Jackson 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 that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any sexual misconduct involving a child.

Although Mr Jackson has admitted his conduct in the Statement of Agreed Facts, there was no evidence of any insight into his actions, any consideration of their impact on children or any remorse.”

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, the factors which mean that a review period should not be allowed are the sexual misconduct and the lack of insight and remorse.

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

**This means that Mr Daniel Jackson 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 Daniel Jackson 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 Daniel Jackson has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 10 January 2023**

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