



Teaching
Regulation
Agency

Mr David Goodwin: 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

Teacher:	Mr David Goodwin
Teacher ref number:	0849951
Teacher date of birth:	13 September 1983
TRA reference:	20070
Date of determination:	6 January 2023
Former employer:	Furness Academy, Barrow-in-Furness, Cumbria

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 January 2023, by virtual means, to consider the case of Mr David Goodwin.

The panel members were Mrs Oluremi Alabi (lay panellist – in the chair), Ms Jackie Hutchings (teacher panellist) and Mr Paul Hawkins (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Goodwin that the allegations be considered without a hearing. Mr Goodwin provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Laura Vignoles of Kingsley Napley LLP.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 8 December 2022, as amended pursuant to the preliminary application referred to below.

It was alleged that Mr Goodwin was guilty of having been convicted of a relevant offence on 22 October 2021 at Preston Crown Court:

1. Attempting/engaging in sexual communication with a child on 13 April 2021 to 19 April 2021.
2. Attempting/cause child under 13 to watch a sexual act on 13 April 2021 to 19 April 2021.

Mr Goodwin admitted both the facts of the allegation and that he was guilty of having been convicted of a relevant offence.

Preliminary applications

The panel was invited by the presenting officer to amend the date of the conviction referred to in the allegation from 15 December 2021 to 22 October 2021. The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the panel understood the parties have been afforded that opportunity. A statement of agreed facts reflecting the proposed amendment was provided and signed by Mr Goodwin on 4 January 2023. The panel understood that no comment or representations were made by Mr Goodwin regarding the presenting officer's proposal to amend the allegation.

The panel considered that the amendment proposed was of the nature of a typographical error and was necessary to correlate with the date of conviction set out in the certificate of conviction. The amendment does not change the nature, scope or seriousness of the allegations. There is no prospect of Mr Goodwin's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice is caused to him. The panel therefore decided to amend the allegation as proposed.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 3 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 22

Section 3: Statement of Agreed Facts and Representations – pages 23 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 59

Section 5: Employment Documents – pages 60 to 86

Section 6: Teacher's documents – pages 87 to 98

In addition, the panel agreed to accept an amended statement of agreed facts signed by Mr Goodwin on 4 January 2022 reflecting the amended date referred to above.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Goodwin on 2 November 2022, and an amended statement of agreed facts reflecting the amended date referred to above, signed by Mr Goodwin on 4 January 2022.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Goodwin 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.

On 21 April 2021, Mr Goodwin was arrested on suspicion of sexual communication with a child. On 22 April 2021, Mr Goodwin was suspended from his duties at Furness Academy ("the Academy"). Mr Goodwin tendered his resignation on 17 May 2021, taking effect on 31 May 2021.

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:

You have been convicted on 22 October 2021 at Preston Crown Court:

1. Attempting/engaging in sexual communication with a child on 13 April 2021 to 19 April 2021.

2. Attempting/cause child under 13 to watch a sexual act on 13 April 2021 to 19 April 2021.

The panel has seen a signed certificate of conviction confirming that Mr Goodwin was convicted on 22 October 2021, following a guilty plea of attempting to engage in sexual communication with a child and attempt to cause a child under 13 to watch a sexual act. This also confirmed that Mr Goodwin was sentenced on 15 December 2021. For the first offence, Mr Goodwin was sentenced to 18 months imprisonment suspended for 24 months, required to undertake rehabilitation activity as directed by the probation service for a maximum of 20 days, and to participate in an appropriate programme as directed by a responsible officer. For the second offence, Mr Goodwin was sentenced to 9 months imprisonment suspended for 24 months (concurrent), required to undertake rehabilitation activity as directed by the probation service for a maximum of 20 days, and to participate in an appropriate programme as directed by a responsible officer. The court also directed that Mr Goodwin be subject to a sexual harm prevention order for a period of 10 years and sign the Sex Offender Register for 10 years. Mr Goodwin was also required to pay a statutory surcharge of £156.

The panel accepted the certificate of conviction as conclusive proof of both of the convictions and the facts necessarily implied by the conviction.

The panel has also seen a police national computer print out which confirms Mr Goodwin was convicted of the matters as set out in the allegations.

In a statement of agreed facts, Mr Goodwin admitted that from 13 April to 19 April 2021, he exchanged sexually explicit messages with an undercover police officer who was purporting to be a twelve year old girl. There were no messages sent by Mr Goodwin suggesting an attempt to arrange a meeting in person.

The panel found the facts of the allegations proven.

Findings as to conviction of a relevant offence

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

The panel was satisfied that the conduct of Mr Goodwin in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Goodwin 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

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 noted that Mr Goodwin's actions were relevant to teaching, working with children and working in an education setting since he has been ordered to appear on the sex offender's register for a period of 10 years, having exchanged sexually explicit messages with a recipient he believed to be under twelve years old.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of members of the public had the individual with whom he was conversing been a twelve year old girl.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Goodwin's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Goodwin was allowed to continue teaching.

The panel noted that Mr Goodwin's behaviour ultimately led to a sentence of imprisonment, (albeit suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving sexual activity and sexual communication with a child. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel noted Mr Goodwin's record as a teacher, having been employed at the Academy since 1 September 2010 without any previous disciplinary action having been taken against him. The panel also noted Mr Goodwin's account of the [REDACTED]. Mr Goodwin explained that he became [REDACTED] dependent upon social media communications as a form of escapism [REDACTED].

The panel found that the seriousness of the offending behaviour outweighed Mr Goodwin's record as a teacher, his explanation of the circumstances that led to his behaviour and the remedial steps taken. The seriousness of the offending behaviour that led to his conviction was relevant to Mr Goodwin's fitness to be a teacher. The panel

considered that it was necessary to make a finding that these convictions were for relevant offences in order to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession and to safeguard children.

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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Goodwin and whether a prohibition order is necessary and proportionate. 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 safeguarding and wellbeing 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.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of engaging in sexual communications with an individual that Mr Goodwin believed to be twelve years old and attempting to cause her to watch a sexual act.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Goodwin 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 Goodwin was outside that which could reasonably be tolerated.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Goodwin in the profession, since his behaviour is fundamentally incompatible with teaching.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

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

- 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 disclosure;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature...;

- a deep-seated attitude that leads to harmful behaviour;

Regarding the issue of whether there is a continuing risk, the panel noted that there was no evidence as to whether Mr Goodwin poses an ongoing risk. However, he is subject to a sexual harm prevention order for a period of 10 years, and appears on the Sex Offender Register for 10 years.

The panel noted that it should attach appropriate weight and seriousness to online behaviours. The panel considered that Mr Goodwin had committed serious sexual offences.

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Goodwin's actions were deliberate.

There was no evidence to suggest that Mr Goodwin was acting under extreme duress, for example, a physical threat or significant intimidation.

Mr Goodwin did have a previously unblemished career history, having worked at the Academy as a teacher of humanities since 1 September 2010. The panel noted that Mr Goodwin received a positive reference during his time as a supply teacher at the Academy whilst he was undertaking his NQT induction period. The headteacher of the Academy has confirmed that there were no file notes concerning Mr Goodwin's conduct, behaviour or attitude to be shared, nor was there any documentation of any past disciplinary action or complaints. However, there was no evidence of Mr Goodwin having

demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education sector.

No testimonial evidence has been adduced by Mr Goodwin attesting to his teaching proficiency or character. The submissions made by Mr Goodwin's representative during his sentencing indicates character references were supplied to the court, but these have not been seen by the panel.

Mr Goodwin made an early guilty plea. However, during the Academy's investigation, the panel noted that Mr Goodwin had sought to excuse his behaviour stating that he suspected the person with whom he had been conversing was an older person and that he had decided to expose the person as a catfish. The panel noted that Mr Goodwin had expressed remorse for the situation he found himself in. He appeared to have limited insight. He made reference to the potential ramifications for a child engaged in such conversations, but he appeared to be more focussed upon the consequences that his actions have had upon his own life. Remedial courses have been taken by Mr Goodwin, although no independence evidence has been adduced as to the outcome of such courses, or of any ongoing steps Mr Goodwin is taking to address his behaviour. He has referred to having no sexual interest in children, yet this is at odds with his 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 Goodwin 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 Goodwin. The seriousness of the offences involving sexual communication with a child and attempting to cause a child to watch a sexual act 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 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any sexual misconduct involving a child.

The insight and level of remorse exhibited by Mr Goodwin was not sufficient for the panel to be assured that there was no risk of repetition. No independent evidence had been adduced that would provide assurance to the panel regarding that risk.

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

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Mr David Goodwin should be the subject of a prohibition order, with no provision for a review period

In particular, the panel has found that Mr Goodwin 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

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 Goodwin fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of a relevant offence of attempting to engage in sexual communication with a child and attempt to cause a child under 13 to watch a sexual act.

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 a relevant conviction, 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 Goodwin, 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 safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of engaging in sexual communications with an individual that Mr Goodwin believed to be twelve years old and attempting to cause her to watch a sexual act." 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 Goodwin made an early guilty plea. However, during the Academy's investigation, the panel noted that Mr Goodwin had sought to excuse his behaviour stating that he suspected the person with whom he had been conversing was an older person and that he had decided to expose the person as a catfish. The panel noted that Mr Goodwin had expressed remorse for the situation he found himself in. He appeared to have limited insight. He made reference to the potential ramifications for a child engaged in such conversations, but he appeared to be more focussed upon the consequences that his actions have had upon his own life. Remedial courses have been taken by Mr Goodwin, although no independence evidence has been adduced as to the outcome of such courses, or of any ongoing steps Mr Goodwin is taking to address his behaviour. He has referred to having no sexual interest in children, yet this is at odds with his conviction." In my judgement, the lack of full 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 and "The panel considered that it was necessary to make a finding that these convictions were for relevant offences in order to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession and

to safeguard children.” I am particularly mindful of the finding of sexual communication with an individual Mr Goodwin believed to be twelve years old 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 Goodwin himself and the panel comment “Mr Goodwin did have a previously unblemished career history, having worked at the Academy as a teacher of humanities since 1 September 2010. The panel noted that Mr Goodwin received a positive reference during his time as a supply teacher at the Academy whilst he was undertaking his NQT induction period. The headteacher of the Academy has confirmed that there were no file notes concerning Mr Goodwin's conduct, behaviour or attitude to be shared, nor was there any documentation of any past disciplinary action or complaints. However, there was no evidence of Mr Goodwin having demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education sector.”

A prohibition order would prevent Mr Goodwin 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 “the seriousness of the offending behaviour outweighed Mr Goodwin's record as a teacher, his explanation of the circumstances that led to his behaviour and the remedial steps taken.”

“The seriousness of the offending behaviour that led to his conviction was relevant to Mr Goodwin's fitness to be a teacher. The panel considered that it was necessary to make a finding that these convictions were for relevant offences in order to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession and to safeguard children.”

I have also placed considerable weight on the finding of the panel “Mr Goodwin's actions were relevant to teaching, working with children and working in an education setting since he has been ordered to appear on the sex offender's register for a period of 10

years, having exchanged sexually explicit messages with a recipient he believed to be under twelve years old.”

“Regarding the issue of whether there is a continuing risk, the panel noted that there was no evidence as to whether Mr Goodwin poses an ongoing risk. However, he is subject to a sexual harm prevention order for a period of 10 years, and appears on the Sex Offender Register for 10 years.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Goodwin 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 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any sexual misconduct involving a child.

The insight and level of remorse exhibited by Mr Goodwin was not sufficient for the panel to be assured that there was no risk of repetition. No independent evidence had been adduced that would provide assurance to the panel regarding that risk.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight.

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 David Goodwin 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 Goodwin 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 Goodwin 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 black ink, appearing to read 'SABuxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 10 January 2022

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