



Teaching
Regulation
Agency

Mr Norman Dean: Professional conduct panel outcome

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

September 2018

Contents

| | |
|--|----|
| A. Introduction | 3 |
| B. Allegations | 4 |
| C. Preliminary applications | 4 |
| Documents | 5 |
| Witnesses | 6 |
| D. Decision and reasons | 6 |
| Panel's recommendation to the Secretary of State | 12 |
| Decision and reasons on behalf of the Secretary of State | 15 |

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

Teacher: Mr Norman Dean
Teacher ref number: 0110376
Teacher date of birth: 20 September 1968
TRA reference: 16488
Date of determination: 20 September 2018
Former employer: Thamesview Secondary School

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 and 20 September 2018 at Cheylesmore House, Quinton House, Coventry, CV1 2WT.

The panel members were Mr Steven Oliver (teacher panellist), Mr Tony James (former teacher panellist), and Mrs Alison Thorne (lay panellist). The legal advisor was Mr Tom Walker (employed barrister, Blake Morgan LLP). The presenting officer for the TRA was Ms Louisa Atkin.

Mr Dean was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 25 July 2018.

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

1. He engaged in an inappropriate relationship with Pupil A, whom he had taught during the 2015/16 academic year at Thamesview Secondary School, including by:
 - a. exchanging messages with her on one or more occasions, including:
 - i. during the summer of 2016;
 - ii. via Skype in or around late 2016 and/or early 2017;
 - iii. in which they referred to one another as 'husband' and 'wife';
 - b. meeting with her, including:
 - i. on or around 12 August 2016;
 - ii. for walks on one or more occasions during the summer of 2016;
 - iii. at his flat on one or more occasions;
 - c. buying gifts for Pupil A on one or more occasions;
 - d. kissing Pupil A on one or more occasions;
 - e. engaging in sexual activity with Pupil A on one or more occasions;
2. His conduct as may be found proven at allegation 1 above was conduct of a sexual nature and/or sexually motivated.

Mr Dean has not made any unequivocal admission to the facts of the case in response to the Notice of Proceedings. The allegations were taken not to have been admitted.

C. Preliminary applications

The presenting officer applied to proceed with the hearing in the absence of Mr Dean. After hearing submissions from the presenting officer, and receiving legal advice, the panel announced the decision as follows:

The panel notes that the Notice of Proceedings was served on Mr Dean in accordance with the Rules (4.11 and 4.27 to 4.29) on 25 July 2018. The Notice was served exactly 8 weeks prior to the hearing start date of 19 September 2018. However, Mr Dean is aware of the proceedings and has indicated his unwillingness to involve himself in the proceedings, or attend the substantive hearing listed to commence on 19 September 2018 (see email correspondence between Mr Dean and the TRA dated 7 and 8 August 2018, pages 192 to 197).

The panel noted that the original Notice of Proceedings referred to a different venue in Coventry, but has received assurances from the presenting officer that Mr Dean has been informed of the change of venue by the TRA. In any event, there is no suggestion that Mr Dean has attended the alternative venue, or attempted to make contact with the TRA today in relation to the hearing.

The panel is satisfied that Mr Dean has had the opportunity to provide the panel with written submissions. The panel is also satisfied that Mr Dean has voluntarily absented himself from attending the hearing and it is in the interests of justice and appropriate to proceed in his absence.

The panel has had regard to the public interest in these proceedings taking place reasonably promptly and is satisfied that there is no useful purpose in not proceeding.

In accordance with Rules 4.11 and 4.27 to 4.29 the panel has decided to proceed in the absence of Mr Dean.

The presenting officer made an application to amend allegation 1 a. iii to substitute the word 'hubby' for 'husband'. The panel received legal advice and accepted that advice. The panel decided that the proposed amendment was in the interests of justice and caused no unfairness to Mr Dean in that the nature of the allegation was not being fundamentally altered. In accordance with Rule 4.56, the panel agreed the application to amend this charge.

The panel considered an application from the presenting officer for a direction that Pupil B be permitted to give evidence via telephone as a special measure on the basis of her vulnerability. The panel saw no reason to depart from the Case Management Hearing decision of 13 September 2018 and agreed that Pupil B be permitted to give evidence via telephone.

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 24

Section 4: Teaching Regulation Agency documents – pages 27 to 185

Section 5: Teacher documents – pages 187 to 196

In addition, the panel agreed to accept additional emails confirming service of the Notice of Proceedings on 25 July 2018, and further emails between the TRA and pupils A, B and C, and added these as pages 197 to 201.

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

Witnesses

The panel heard oral evidence from:

Individual A, the police officer who interviewed Mr Dean and Pupil A;

Individual B, the social worker who engaged with Pupil A;

Pupil B, who gave evidence about her conversations with Pupil A.

D. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Dean was a teacher at Thamesview Secondary School between 1 September 2013 and 31 December 2016. Between 2015 and 2016, Mr Dean taught science to Pupil A. This case relates to an allegation that Mr Dean had an inappropriate relationship with Pupil A, and that this relationship was of a sexual nature and/or sexually motivated. It is said that this relationship started in the summer of 2016 and continued into 2017 whilst Pupil A studied at North Kent College.

It is alleged that the relationship in question was inappropriate in as far as it took place in close proximity in time to the period when a direct pupil-teacher relationship existed, and undermined the professional standing of Mr Dean as a teacher. For this reason, it is alleged that the conduct of Mr Dean amounts to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

Findings of fact

Our findings of fact are as follows:

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

- 1. You engaged in an inappropriate relationship with Pupil A, whom you had taught during the 2015/16 academic year at Thamesview Secondary School, including by:**

- a. exchanging messages with her on one or more occasions, including:**
 - i. during the summer of 2016;**
 - ii. via Skype in or around late 2016 and/or early 2017;**
 - iii. in which you referred to one another as 'hubby' and 'wife';**

The panel is satisfied that during the summer of 2016 Mr Dean exchanged messages with Pupil A. Indeed, Mr Dean was asked about this in his interview by the police and admitted that he had exchanged messages during this period (page 141).

Mr Dean further admitted in the interview with the police that he had communicated with Pupil A via social media (pages 140 to 142) and Skype during this period (pages 151 to 152), namely late 2016 and early 2017.

Similarly, Mr Dean admitted during his police interview that he had exchanged messages with Pupil A during this period in which they had referred to one another as 'husband' or 'hubby' and 'wife'.

Mr Dean met Pupil A through his role as her teacher, and the interactions with her during the period set out in allegation 1 a. took place in close proximity in time to the period when he had been her teacher.

The interactions which the panel found proven at allegation 1 a. i and ii had no professional or teaching purpose. Indeed, the panel took the view that exchange of personal social media contact details and messages in such circumstances was inappropriate and the panel is satisfied that the conduct proven at allegation 1 a. i. and ii represent Mr Dean's engagement in an inappropriate relationship and find these particulars proven in full.

The use of the expressions of 'hubby' and 'wife' in the exchange of messages between Mr Dean and Pupil A suggests a close, personal relationship. There would be no professional justification for the use of such terms. In consequence, the panel finds that allegation 1 a. iii demonstrates Mr Dean's engagement in an inappropriate relationship with Pupil A, and this particular is found proven in full.

- a. meeting with her, including:**
 - i.**
 - ii.**
 - iii. at your flat on one or more occasions;**

The panel heard evidence from Individual A that she had been shown photographs by Pupil A of her with Mr Dean in his flat, whilst neither of them were fully clothed. Individual A stated in evidence that she was satisfied having met Mr Dean that he was the person in the photographs with Pupil A. However, the panel had no photographs before it, and was unable to assess this evidence in any detail.

A description of the photographs was put to Mr Dean in his police interview, and he admitted that he had been with Pupil A in his flat (page 123), and that at some point Pupil A may have had a shower there. The panel is satisfied that allegation 1 b. iii. is proven and that Pupil A attended Mr Dean's flat on at least one occasion.

As referred to above, Pupil A was a former pupil of Mr Dean's, and she was at his flat shortly after she ceased to be his pupil. There was no professional purpose or justification for her being in his flat. The panel is satisfied that the visit to the flat was pursuant to a personal relationship of a close nature, and was thus inappropriate. The panel is satisfied that this allegation is proven in full and the conduct described at allegation 1 b. iii. represents Mr Dean's engagement in an inappropriate relationship with Pupil A.

a.

b. kissing Pupil A on one or more occasions;

The panel received hearsay evidence in the form of comments attributed to Pupil A by Individual A during her interview. In this interview, Pupil A stated that she had kissed Mr Dean at some point after August 2016.

Mr Dean was questioned about this in his police interview, and admitted that he kissed Pupil A (page 123). Whilst the panel had not heard live evidence from Pupil A it took the view that her hearsay account (reported by Individual A) corroborated the clear admission by Mr Dean to this conduct.

The kissing itself was accepted by Mr Dean to be connected to his personal relationship with Pupil A, as opposed to kissing her to greet her, and was thus sexualised in nature. Given Mr Dean's position as a teacher who had developed a relationship with Pupil A as a result of his very recent professional duties as her teacher, such actions were inappropriate. In consequence, the panel is satisfied that the kissing by Mr Dean formed part of his engagement in an inappropriate relationship with pupil A and thus allegation 1 d. is found proven in full.

a. engaging in sexual activity with Pupil A on one or more occasions.

As set out above in relation to allegation 1 d., the panel has found that Mr Dean kissed Pupil A on at least one occasion, and that such kissing was of a sexualised nature. The panel is thus satisfied that, to this extent, Mr Dean did engage in sexual activity with Pupil A.

For the reasons set out above, given the fact that Mr Dean had developed a relationship with Pupil A as a result of his very recent professional duties as her teacher, such actions were inappropriate. In consequence, the panel was satisfied that the sexual activity in question formed part of Mr Dean's engagement in an inappropriate relationship with Pupil A and thus allegation 1 e. is found proven in full.

2. Your conduct as may be found proven at allegation 1 above was conduct of a sexual nature and/or sexually motivated.

The panel has gone on to consider whether those particulars and elements of allegations 1 found proven amount to conduct of a sexual nature and/or were sexually motivated. For the reasons set out below, allegations 1 b.i., ii., and c. were found not proven and were thus not considered.

The panel has received legal advice in relation to how to approach the issue as to whether conduct can be described as sexual in nature and/or sexually motivated and has accepted that advice.

The panel has assessed in detail the circumstances in which the conduct took place to consider whether, on the balance of probabilities, the conduct was of a sexual nature, or whether a sexual motivation on the part of Mr Dean can be inferred in as far as it could be said that his actions were motivated by an intention to obtain sexual gratification.

The panel considered each particular found proven separately to consider whether the conduct was of a sexual nature. There was no evidence before the panel that any of the messages sent, or the skype communications found proven at allegations 1 a. i. and 1 a. ii. were expressly sexual in nature. Similarly, whilst the use of the terms 'hubby' and 'wife' in messages is inappropriate, such messages are not inherently sexual in nature.

Similarly, there is no clear evidence that the visit to the flat was, per se, of a sexual nature or that sexual activity took place there.

In relation to allegations 1 d. and e., the panel was satisfied that this was conduct of a sexual nature as the kissing represented sexual activity between Pupil A and Mr Dean.

The panel has determined that the conduct found proved at allegations 1 a and b. does not represent conduct of a sexual nature, but has nevertheless proceeded to consider the alternative proposition in the charge, namely whether it can be said that the conduct was sexually motivated.

The panel is satisfied that Mr Dean sought to engage with Pupil A and initiate a personal and close social relationship, illustrated by the frequency and nature of contact including the use of personalised terms such as 'hubby' and 'wife'.

Whilst there is no evidence of Mr Dean planning the development of his relationship, the panel is satisfied that the exchange of social media and skype messages with Pupil A from 2016 to 2017 was motivated by Mr Dean's intention to commence a sexualised relationship with Pupil A, and was sexually motivated.

Similarly, the panel is satisfied that Pupil A's presence in Mr Dean's flat (allegation 1 b. iii) was motivated by Mr Dean's intention to pursue a sexualised relationship with Pupil A and was sexually motivated.

The panel is thus satisfied that Mr Dean's conduct at allegations 1 a. i, ii., iii; and b iii. represents sexually motivated conduct.

The panel has found that Mr Dean's actions at allegations 1 d. and e. in the form of sexualised kissing, was clearly conduct of a sexual nature, and was thus sexually motivated.

The panel is satisfied, to the extent set out above, that allegation 2 is found proven.

Allegations Not Proven

The panel has found the following particulars of the allegations, 1 b. i. and ii., and c., against you not proven, for these reasons:

1) You engaged in an inappropriate relationship with Pupil A, whom you had taught during the 2015/16 academic year at Thamesview Secondary School, including by:

b. meeting with her, including:

i. on or around 12 August 2016;

In relation to allegation 1. b i., the panel heard an allegation that Mr Dean had met with Pupil A at a leisure centre on or around 12 August 2016. Mr Dean was questioned by the school in relation to this on 4 September 2016, and then subsequently interviewed by the police about this matter.

Mr Dean accepted that this meeting took place, but stated it had been 'by chance'. The panel found that the factual element of this allegation was proven but was not satisfied that the meeting was in fact planned as opposed to by chance and thus cannot be satisfied that the meeting was inappropriate. In consequence, this allegation is found not proven.

ii. for walks on one or more occasions during the summer of 2016;

The panel received hearsay evidence in the form of comments attributed to Pupil A by Individual A during her interview. Individual A reported that Pupil A had stated that she had gone on a walk with Mr Dean in August 2016. The panel notes that Mr Dean was asked by the police about his arranging to go for a walk with Pupil A in August 2016. Mr Dean admitted that he arranged to go for a walk with Pupil A (page 143) but states that this was around 'half-term'.

The panel is satisfied on the balance of probabilities that Mr Dean did meet Pupil A and went for a walk with her on at least one occasion. The panel notes the distinction in the dates. Mr Dean refers to the walk in vague terms as 'nearer half-term' or 'half term'. In contrast. Individual A reports that Pupil A was clear that the walk was in the summer of 2016. The panel has not heard live evidence from Pupil A, and whilst it accepts the evidence of Individual A that this is what Pupil A reported, the panel cannot exclude the possibility that the dates given may have been mistaken.

The panel is satisfied that Mr Dean went on at least one walk with Pupil A, but is unable to resolve whether this was in the summer or autumn of 2016, and for this reason the allegation is not proven in full.

c. buying gifts for Pupil A on one or more occasions;

The panel heard evidence by telephone from Pupil B that she had been told by Pupil A that various items, such as a scarf and a bracelet, had been given to her as gifts by Mr Dean.

The panel noted that there was no admission of this allegation by Mr Dean, and these allegations were not put to him in the police interview. Whilst the panel regarded Pupil B as credible, there was no clear evidence to persuade the panel on the balance of probabilities that Mr Dean did in fact give specific gifts to Pupil A. The panel found this allegation not proven.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as “the Advice”.

The panel is satisfied that the conduct of Mr Dean in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Dean 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 is satisfied that the conduct of Mr Dean amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Dean's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. Whilst the panel is satisfied that Mr Dean has involved himself in unacceptable professional conduct which involves sexual misconduct, it cannot be said that this behaviour is directly associated with unlawful sexual activity. In consequence, the panel has found that none of the behaviours listed on pages 10 and 11 of the Advice are relevant. The panel notes that the allegations took place outside of the education setting. However, Mr Dean only

knew Pupil A by virtue of his role as her teacher. The relationship started in close proximity to his time as her teacher.

The panel also notes that on 4 September 2016, safeguarding concerns were raised with Mr Dean by his school about a meeting with Pupil A at a leisure centre on or around 12 August 2016. Whilst the panel was unable to determine whether this meeting had been planned and was thus inappropriate, the fact that safeguarding concerns had been raised with Mr Dean represented an opportunity for him to reflect upon his relationship with Pupil A and the impact that such a relationship may have on this pupil's welfare.

However, Mr Dean continued his relationship with Pupil A, which developed into one of a sexual nature. Such behaviour by Mr Dean represents a departure from the statutory frameworks within which teachers are required to work relating to safeguarding and consideration of the best interests and welfare of pupils.

This conduct clearly affects the way Mr Dean fulfils his teaching role and could lead to pupils being exposed to or influenced by his behaviour in a harmful way. The panel is satisfied that Mr Dean's conduct in relation to the allegations found proven amounts to unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Dean's actions at allegations 1 and 2 constitute 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/or conduct that may bring the profession into disrepute, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case.

In light of the panel's findings against Mr Dean which involved his engagement in an inappropriate sexual relationship with a former pupil of his, there is a strong public interest consideration in respect of the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Dean were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Dean 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 Dean.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Dean.

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 proven. 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg 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;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Mr Dean had a previously good record as a teacher. Mr Dean also co-operated with the police investigation. However, Mr Dean's conduct was deliberate and there was no evidence that he was acting under duress. Mr Dean also received a warning in relation to his conduct in the form of safeguarding concerns being raised with him by his school on 4 September 2016. By not reflecting at this point, and continuing his relationship with Pupil A, Mr Dean has demonstrated a lack of insight. Similarly, there has been no subsequent expression of remorse or regret for his actions. For this reason, the panel is of the view that there is a risk of the conduct in question being repeated and pupils being exposed to a risk of harm.

Mr Dean presented no mitigation material or character references.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Dean, and this was a significant factor in forming that opinion. Accordingly, the panel makes 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 them to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons.

The panel has found that Mr Dean has been responsible for developing a sexual relationship with a former pupil, and has thus taken advantage of his professional position in that respect. In the course of this relationship and since, Mr Dean has not

expressed any concern for the welfare of Pupil A, or the impact that this relationship would have on her. Mr Dean has failed to demonstrate any insight into his behaviour.

The panel felt 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 sanction and review period.

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

In this case, the panel has found some of the allegations proven. The panel has also found that some of the allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has also been very clear in setting out exactly which findings were findings of conduct of a sexual nature and which were sexually motivated. In my consideration of this case I have put from my mind matters found not proven. I have also been careful to adhere to the findings of the panel in respect of findings of conduct of a sexual nature and conduct that was sexually motivated. The panel has made a recommendation to the Secretary of State that Mr Dean should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Dean 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 findings of misconduct are particularly serious as they include a finding of both sexually motivated behaviour and conduct of a sexual nature.

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 or not 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 Dean, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "Such behaviour by Mr Dean represents a departure from the statutory frameworks within which teachers are required to work relating to safeguarding and consideration of the best interests and welfare of pupils." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Mr Dean has not expressed any concern for the welfare of Pupil A, or the impact that this relationship would have on her. Mr Dean has failed to demonstrate any insight into his behaviour."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well being of other 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 findings of misconduct are serious and the conduct displayed would likely 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 sexually motivated conduct and conduct of a sexual nature 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 failure to impose a prohibition order might be regarded by the public 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 Dean himself.

A prohibition order would prevent Mr Dean 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, " Mr Dean had a previously good record as a teacher." The panel also say that "Mr Dean presented no mitigation material or character references."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Dean 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 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that no review period should apply.

I have considered the panel's comments " Mr Dean has been responsible for developing a sexual relationship with a former pupil, and has thus taken advantage of his professional position in that respect. In the course of this relationship and since, Mr Dean has not expressed any concern for the welfare of Pupil A, or the impact that this relationship would have on her."

I have considered whether allowing for a no 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, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the findings of both sexually motivated behaviour and conduct of a sexual nature, the lack of either insight or remorse , and the fact that the panel state that, "Mr Dean also received a warning in relation to his conduct in the form of safeguarding concerns being raised with him by his school on 4 September 2016."

I consider therefore that allowing for a no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Norman Dean 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 Norman Dean 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 Norman Dean 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.

Al C M

Decision maker: Alan Meyrick

Date: 21 September 2018

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