



Teaching
Regulation
Agency

Mr Dean Lee Davidson: Professional conduct panel hearing outcome

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

31 May 2023

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

Teacher:	Mr Dean Lee Davidson
Teacher ref number:	0261696
Teacher date of birth:	6 July 1982
TRA reference:	19758
Date of determination:	31 May 2023
Former employer:	“The School”

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 31 May 2023, to consider the case of Mr Dean Lee Davidson.

The panel members were Ms Penny Griffith (lay panellist – in the chair), Mr Gamel Byles (teacher panellist), and Mrs Patricia Hunt (former teacher panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Stephen Ferson from 7 Bedford Row Chambers.

Mr Davidson was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of hearing dated 17 March 2023, as amended in the course of the hearing.

It was alleged that Mr Davidson was guilty of having been convicted of a relevant offence, in that:

1. On or around 14 April 2021, he was convicted of:
 - a. Making an indecent photograph or pseudo photograph of a child;
 - b. Making an indecent photograph or pseudo photograph of a child;
 - c. Making an indecent photograph or pseudo photograph of a child;
 - d. Possession of extreme pornographic images of an act of intercourse/oral sex with a dead/alive animal;
 - e. Distributing an indecent photograph or pseudo-photograph of a child;
 - f. Causing/inciting a boy under 13 to engage in sexual activity – no penetration;
 - g. Causing/inciting a boy under 13 to engage in sexual activity – no penetration;
 - h. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;
 - i. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;
 - j. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;
 - k. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;
 - l. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;
 - m. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;
 - n. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;

- o. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;
- p. Making an indecent photograph or pseudo photograph of a child;
- q. Making an indecent photograph or pseudo photograph of a child;
- r. Making an indecent photograph or pseudo photograph of a child;

These allegations are not admitted by Mr Davidson and there is no response from Mr Davidson as to whether his convictions amount to a relevant offence. This case therefore proceeded as a disputed case.

Preliminary applications

Proceeding in absence

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it.

The panel was, first, satisfied that the notice of hearing had been sent in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied. The panel also had regard to the additional documents admitted in the course of the hearing which demonstrated the attempts made by the TRA to contact Mr Davidson. The presenting officer submitted that the TRA case papers were sent to Mr Davidson on 28 March 2023. Mr Davidson is currently an inmate at HMP [Redacted] and the TRA had to ensure that the relevant paperwork was received in line with HMP [Redacted]'s procedures.

Mr Davidson had the opportunity to respond to the documents he received but no response was received from him.

The panel noted the additional documents demonstrated that correspondence was received by Mr Davidson in prison from the TRA in December 2022, March 2023 and May 2023. The panel was also satisfied that the TRA had made reasonable efforts to bring this hearing to his attention given the confirmation delivery in the email from the Performance & Delivery Hub of the prison. The email from the senior prison custody officer confirmed that Mr Davidson was aware of the hearing, that he had the relevant documents and that he did not wish to attend. It was further stated that if Mr Davidson changed his mind his attendance could be facilitated by the prison service.

The panel went on to consider whether to proceed in Mr Davidson's absence or to adjourn, in accordance with Rule 5.45 of the Procedures. The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings.

The panel gave careful consideration to the fact that Mr Davidson was not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

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

- The panel was satisfied that Mr Davidson's absence was voluntary. It was more likely than not that he was aware of this hearing and had waived his right to attend. There was no indication he was unfit to attend. The prison service indicated in an email to the TRA on 18 May 2023 that he could attend if he wished.
- There was also no indication that Mr Davidson might attend at a future date. As such, the panel concluded that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time including the interests of any alleged victims of Mr Davidson's conduct.
- There is an obligation on all professionals who are subject to a regulatory regime to engage with their regulator.
- The risk of reaching the wrong conclusion as a result of not being able to hear from Mr Davidson was limited in this case by the nature of the allegation. It concerned Mr Davidson's conviction of multiple offences, as referred to in the memorandum of conviction.

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

Anonymisation of the School's name

The presenting officer made an application for the name of any schools that Mr Davidson taught at to be anonymised in the course of the hearing, any hearing transcript and [redacted].

Paragraph 5.87 of the Procedures provides that a panel may, if it considers it to be in the interests of justice or not contrary to the public interest to do so, direct that the name and identity of a school will not be disclosed during the professional conduct panel hearing or at all.

The allegation relates to convictions against Mr Davidson which relate to inappropriate conduct towards children, some of whom may have been pupils of the school at which Mr Davidson taught at the time. The presenting officer submitted that the identification of the pupils may be ascertained if the schools were named and there would be no prejudice to the TRA or Mr Davidson if the panel accepted this application.

The panel determined that it was in the interests of justice and not contrary to the public interest to not refer to the name and identity of the schools in the hearing [redacted]. The panel therefore made a direction to anonymise the name of the School.

Amendment of the allegation

The legal advisor advised the panel to consider whether it may be necessary to amend the allegations as the statutory references to the relevant legislation which Mr Davidson is alleged to have breached by his offences, is not correct.

The panel noted that paragraph 5.82 of the Procedures indicates that at any stage before making its decision as to whether the facts of the case have been proved the panel may, if it is in the interests of justice to do so, amend an allegation.

The presenting officer submitted that it would be appropriate for the allegations to be amended to be in line with the details contained on the certificate of conviction and that all statutory references relating to each offence be removed. The presenting officer stated that the panel does not have the indictment before the criminal court against which to double check the statutory references.

The panel concluded that this amendment was appropriate. The panel considered this was simply correcting clerical errors caused by inaccurate information within the police national computer print-out. The panel considered there would be no prejudice, or potential prejudice, to Mr Davidson as a result of the amendments. These changes did not alter the substance of the allegation or result in new factual particulars being alleged or more serious matters being alleged. This was consistent with the public interest in allegations being properly put and that includes the need to ensure allegations do not fail for technical deficiencies.

The panel recognised that Mr Davidson was not present and that he had not had an opportunity to respond to this amendment application. However, he had a copy of the certificate of conviction within the bundle that the TRA had sent him. The panel was content that he had been appropriately served with the notice of hearing and the case papers. The panel considered it was appropriate and in the interests of justice if the allegations were amended in line with the wording of the certificate of conviction which does not list the statutory provisions that each of his convictions breached. The panel determined it appropriate to remove the statutory references from each of the allegations

(which is not set out in the certificate of conviction) in order to correct clerical errors throughout.

The allegations were accordingly amended.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 5

Section 2: Notice of hearing and response – pages 6 to 12

Section 3: Teaching Regulation Agency witness statements – pages 13 to 69

In addition, the panel agreed to accept the following:

Section 4: Additional Teaching Regulation Agency correspondence – pages 70 to 76

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

Witnesses

The panel neither heard oral evidence on behalf of the TRA nor Mr Davidson.

Decision and reasons

The panel's decision and reasons are as follows:

The panel carefully considered the case and reached a decision.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Mr Davidson began working at the School on [redacted]. On 22 October 2020 the Children's Safeguarding Standards Unit of the relevant local authority brought to the School's attention the fact that Mr Davidson had been arrested. The School commenced an investigation and Mr Davidson resigned from his role on [Redacted]. On 27 January 2021 Mr Davidson was arrested again for alleged distribution of indecent images of children. He was convicted of 18 offences on 14 April 2021 and sentenced by [Redacted] ("the Court") on 6 July 2021.

Findings of fact

The findings of fact are as follows:

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

You have been convicted of a relevant offence at any time in that:

1. On or around 14 April 2021, you were convicted of:

- a. Making an indecent photograph or pseudo photograph of a child;**
- b. Making an indecent photograph or pseudo photograph of a child;**
- c. Making an indecent photograph or pseudo photograph of a child;**
- d. Possession of extreme pornographic images of an act of intercourse/oral sex with a dead/alive animal;**
- e. Distributing an indecent photograph or pseudo-photograph of a child;**
- f. Causing/inciting a boy under 13 to engage in sexual activity – no penetration;**
- g. Causing/inciting a boy under 13 to engage in sexual activity – no penetration,**
- h. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;**
- i. Engaging in non-penetrative sexual activity with a boy between 13-15 years where the offender is 18 years or over;**
- j. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;**
- k. Engaging in non-penetrative sexual activity with a boy between 13-15 years, where the offender is 18 years or over;**
- l. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;**
- m. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;**

- n. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;**
- o. Causing/inciting a boy 13-15 to engage in sexual activity – no penetration, where the offender is 18 years or over;**
- p. Making an indecent photograph or pseudo photograph of a child;**
- q. Making an indecent photograph or pseudo photograph of a child;**
- r. Making an indecent photograph or pseudo photograph of a child;**

The panel noted from the legal advice provided by the legal advisor that it may accept a certificate of conviction as proof of commission of the offences concerned.

The panel had regard to the certificate of conviction from the Court and the police national computer (PNC) printout in the bundle. The certificate of conviction indicates that on 14 April 2021 Mr Davidson was convicted of each of the factual particulars of the 18 offences listed 1.a to 1.r above. The PNC only referred to 11 offences for which Mr Davidson was arrested and did not contain the full sum of the 18 offences of which Mr Davidson was convicted.

In his submissions, the presenting officer submitted that Mr Davidson pleaded guilty to each of the offences of which he was convicted. This is confirmed by the remarks from the sentencing judge included in the bundle.

Taking all of the evidence into account, the panel found the stem of allegation 1 and each of the sub-particulars listed 1.a to 1.r above proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of this proved allegation amounted to a conviction, at any time, of a relevant offence.

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 Davidson in relation to the facts it found proved involved significant breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Davidson 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect,...
 - 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...
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered that Mr Davidson's actions were relevant to teaching, working with children and/or working in an education setting. It was clear that Mr Davidson breached his position of trust and safeguarding role as a teacher. The sentencing remarks of the judge and reports of children recorded in police investigation documents, included in the bundle, indicate some of the sexual activity and possession of pornographic images of which he was convicted, occurred in school whilst he was in his teaching role. Other offences relating to viewing of images or recording images of pupils may have taken place outside of the education setting but they are relevant to Mr Davidson's suitability to work with children.

The panel noted that the behaviour involved in committing the offences could have had an impact on the safety or security of pupils and/or members of the public, as they were committed over a 10-year period. They involved possession of up to 1,000 indecent images of children, some images of category A (images involving penetrative sexual activity or images involving sexual activity with an animal or sadism), category B (images involving non-penetrative sexual activity) and category C (indecent images not falling within category B or A). The panel noted that the judge's sentencing remarks indicated that the vast majority of the children subject to Mr Davidson's illegal conduct were aged between 12 and 14 at the time. There was also reference to a child of a colleague also being affected. The sentencing judge remarked that many of the images Mr Davidson obtained from children represent a "truly appalling breach of trust with significant preparation involved in criminal offending..."

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Davidson's behaviour in committing the offences would affect public confidence in the teaching profession. The panel noted the influence that teachers have on pupils, parents and others in the community. Mr Davidson received convictions for encouraging pupils to view inappropriate images and touching pupils inappropriately whilst at school. He also was convicted for encouraging pupils to share inappropriate images of themselves online some of which took place outside of the school environment. He exercised a significant and detrimental influence over pupils who were the victims of his offences.

The panel noted that Mr Davidson's behaviour led to a significant sentence of imprisonment of 17 years and a further 6 years on licence, which was indicative that his offences were at the most serious end of the possible spectrum.

The panel noted the Advice document indicates that certain offences involving specific types of conduct would amount to a relevant offence. This includes sexual activity towards children, and activity involving viewing, taking, possessing, or distributing indecent photographs or images or indecent pseudo photographs or images of a child.

The panel took into account that there was limited evidence of any mitigating circumstances. However, the panel noted that he pleaded guilty to the offences prior to being convicted. The sentencing remarks of the judge stated that Mr Davidson may be beginning to develop some insight into his behaviour and that he was indeed ashamed and upset about his conduct or situation at the sentencing hearing. Mr Davidson's representative stated at the sentencing hearing before the Court, that he regretted the impact his offending had had on the complainants as well as on his family and on others. However, the panel was unable to test the veracity of Mr Davidson's remorse and insight given his non-attendance at this hearing.

The sentencing judge further reflected that Mr Davidson had no healthy relationships at the time with adults and Mr Davidson was described as a confused and isolated young man. The judge considered impact statements from the victims many of whom stated that Mr Davidson's conduct towards them had left their lives "in ruins".

Mr Davidson's offences, 18 in total, clearly called into question his ongoing suitability to teach. The panel considered that a finding that his 18 convictions was for a relevant offence was not only necessary but vital to reaffirm clear standards of conduct or to maintain public confidence in the teaching profession.

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 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. The protection of pupils and the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct were relevant.

The panel found that Mr Davidson's convictions involved making and distributing indecent photographs of children, extreme pornography, and sexual activity offences involving children. As a result, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils. Many of Mr Davidson's offences were as a result of his developing inappropriate relationships and abusing his position of trust towards pupils in school, some of whom were recognised as vulnerable. He encouraged pupils to send him sexual images and videos which he recorded without their knowledge.

There was a public interest in protection of other members of the public as the remarks of the sentencing judge reflected that Mr Davidson's inappropriate conduct also related to the child of a colleague. The sentencing judge further remarked that in light of the duration and scope of Mr Davidson's offending, a very large number of children had been harmed by his offending and he was assessed by the probation service, as imposing a very high risk of harm to children and an imminent risk of serious harm.

Similarly, the panel considered that public confidence in the profession would be seriously weakened if the conduct found against Mr Davidson was not treated with the utmost seriousness when regulating the conduct of the profession. By the standard of the ordinary intelligent and well-informed citizen, Mr Davidson's conduct was far outside that which could be tolerated. The length of his sentence of imprisonment emphasised the seriousness of his conduct. The remarks of the sentencing judge highlighted the serious impact his actions had on the children involved.

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 Davidson was far beyond what would be considered acceptable behaviour.

The panel decided that there no public interest consideration in retaining Mr Davidson in the profession. Although the sentencing judge remarked that he obviously enjoyed teaching and was committed to it, the panel was provided with no evidence of his abilities as an educator or whether he was able to make a valuable contribution to the profession.

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 Davidson.

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 Davidson. 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;
- a deep-seated attitude that leads to harmful behaviour – Mr Davidson's criminal conduct occurred over a 10-year period involving several children;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil...
- 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 Keeping Children Safe in Education
- violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were...of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child or permitting such activity, including one-off incidents;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;

The panel considered that a prohibition order would strike the right balance between the rights of the Mr Davidson and the public interest.

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 any mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's findings, there was no evidence that Mr Davidson's actions were anything but deliberate.

There was no evidence to suggest that Mr Davidson was acting under duress, and, in fact, the panel found Mr Davidson's actions to be calculated and motivated. The sentencing remarks of the judge demonstrated that Mr Davidson convinced pupils to take and share inappropriate images, conduct sexual acts and touch them inappropriately. The judge commented that there was "some sophistication" to his commission of the offences.

Mr Davidson may have not been subject to any previous disciplinary investigations or findings. However, the panel was not persuaded that he was of previous good character. There was no evidence of Mr Davidson's character or testimonials as to his abilities as an educator.

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. This, in the panel's view, was not appropriate.

The panel was of the view that prohibition was proportionate and necessary. The panel decided that the public interest considerations far outweighed the interests of Mr Davidson. The repeated nature of his 18 offences over a 10-year period which affected a number of children was a significant factor in forming that opinion. The sentencing judge considered that he presented a risk due to the nature and duration of his offending and the number of children he involved. Many of those children he either knew, befriended or targeted in his role as a teacher.

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 serious sexual misconduct e.g. any sexual misconduct involving a child or any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Davidson

was convicted of multiple offences of inappropriate sexual activity towards children under the age of 15, and possessing and distributing indecent images of children.

The panel further reflected on the judge's sentencing remarks which indicated he may have been beginning to develop insight. However, the panel did not consider there was any evidence that he had developed sufficient remorse or insight given that he was noted, by the probation service, as presenting a very high risk of harm to children and an imminent risk of serious harm. The panel considered his lack of response to these proceedings and the harmful and detrimental impact his actions may have had on the children who were the subject of his multiple offences is significant. Overall, the behaviour proved by his convictions militates against a review period.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found the allegation 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 Dean Lee Davidson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Davidson 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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect...
- 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The finding of misconduct is particularly serious as it concerns convictions for making and distributing indecent photographs of children, extreme pornography, and sexual activity offences. The panel notes that "Mr Davidson's behaviour led to a significant sentence of imprisonment of 17 years and a further 6 years on licence, which was indicative that his offences were at the most serious end of the possible spectrum."

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 Davidson, 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/safeguard pupils. The panel has observed, "The sentencing judge further remarked that in light of the duration and scope of Mr Davidson's offending, a very large number of children had been harmed by his offending and he was assessed by the probation service, as imposing a very high risk of harm to children and an imminent risk of serious harm." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel further reflected on the judge's sentencing remarks which indicated he may have been beginning to develop insight. However, the panel did not consider there was any evidence that he had developed sufficient remorse or insight given that he was noted, by the probation service, as presenting a very high risk of harm to children and an imminent risk of serious harm. The panel considered his lack of response to these proceedings and the harmful and detrimental impact his actions may have had on the children who were the subject of his multiple offences is significant."

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 that “public confidence in the profession would be seriously weakened if the conduct found against Mr Davidson was not treated with the utmost seriousness when regulating the conduct of the profession. By the standard of the ordinary intelligent and well-informed citizen, Mr Davidson’s conduct was far outside that which could be tolerated. The length of his sentence of imprisonment emphasised the seriousness of his conduct.” I am particularly mindful of the finding of conviction for multiple relevant offences 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 a relevant conviction, 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 Davidson himself and the panel’s comment that “Although the sentencing judge remarked that he obviously enjoyed teaching and was committed to it, the panel was provided with no evidence of his abilities as an educator or whether he was able to make a valuable contribution to the profession.”

A prohibition order would prevent Mr Davidson 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 concerning the lack of insight or remorse. I have also placed considerable weight on the finding of the panel that public interest considerations outweighed the interests of Mr Davidson, and that the seriousness of the criminal offences was a significant factor in forming its view that prohibition was both proportionate and appropriate.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Davidson 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 that "the panel did not consider there was any evidence that he had developed sufficient remorse or insight given that he was noted, by the probation service, as presenting a very high risk of harm to children and an imminent risk of serious harm. The panel considered his lack of response to these proceedings and the harmful and detrimental impact his actions may have had on the children who were the subject of his multiple offences is significant. Overall, the behaviour proved by his convictions militates against a review period."

I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. This element is the seriousness of the finding of convictions for multiple offences of inappropriate sexual activity towards children under the age of 15, and possessing and distributing indecent images of children.

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 Dean Lee Davidson 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 allegation found proved against him, I have decided that Mr Davidson 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 Davidson 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.



Decision maker: David Oatley

Date: 7 June 2023

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