



Teaching
Regulation
Agency

Mr David Goode: Professional conduct panel meeting outcome

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

August 2024

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

Teacher:	Mr David Goode
Teacher ref number:	0517045
Teacher date of birth:	28 October 1971
TRA reference:	20764
Date of determination:	9 August 2024
Former employer:	Eton College, Windsor (the “School”)

Introduction

A professional conduct panel (‘the panel’) of the Teaching Regulation Agency (‘the TRA’) convened on 9 August 2024 by way of a virtual meeting, to consider the case of Mr David Goode.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Ms Jan Stoddard (lay panellist) and Mrs Joanne Arscott (teacher panellist).

The legal adviser to the panel was Ms Lara Small of Birketts 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 Goode that the allegation(s) be considered without a hearing. Mr Goode provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Shaun Moran of Capsticks LLP, Mr Goode or Mr Goode’s representative Victoria Rees of Richard Nelson LLP.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 16 May 2024.

It was alleged that Mr Goode was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, while employed as a teacher at Eton College, Eton, Windsor, Berkshire, SL4 6DW:

1. Between 10 March 2021 - 07 December 2021 Mr Goode conducted internet searches for all of the search terms detailed within Schedule 1.
2. Any of Mr Goode's actions at Allegation 1 above were sexually motivated.

Mr Goode admitted the facts of allegations 1 and 2 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the statement of agreed facts signed by Mr Goode on 23 January 2024.

Preliminary applications

Application to anonymise the Teacher's name and name of the School

Within the documents received from Mr Goode was a written application regarding privacy, anonymisation and redaction, both of the name of the teacher and the name of the School. The panel noted that as the meeting was held in private and with no observers from the press or public, a certain level of privacy had already been attained. Notwithstanding, the panel agreed to redact sensitive information relating to health and certain aspects of Mr Goode's personal life, as is standard practice in such processes.

The panel noted the unusual nature of this request. However, the panel concluded that the ultimate decision on anonymity (particularly in respect of the teacher's name and the School) and redaction is for the TRA and the panel was therefore unable to make a determination on this issue.

The panel resolved to flag Mr Goode's applications to the TRA for its consideration, along with the supporting paperwork provided by Mr Goode.

Summary of evidence

Documents

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

- Section 1: Chronology and anonymised pupil list – pages 3 to 4

- Section 2: Notice of meeting and response – pages 5 to 28
- Section 3: Statement of agreed facts and presenting officer’s representations - pages 31 to 37
- Section 4: TRA documents – pages 38 to 152
- Section 5: Witness Statements – pages 153 to 166
- Section 6: Teacher’s Documents – 167 to 182

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Goode on 23 January 2024, and subsequently signed by the presenting officer on 13 March 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

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

Mr Goode had been employed at Eton College, Eton, Windsor, Berkshire, SL4 6DW since 1 September 2005 until 13 April 2022 as an organist and music teacher.

In February 2017, Mr Goode was warned about using the School’s IT network to attempt to access pornography, which is against the School’s policy.

On 6 December 2021, the School’s IT monitoring system alerted the School’s safeguarding team that Mr Goode had conducted several suspicious searches on his school laptop.

On 7 December 2021, the School’s IT department downloaded details of Mr Goode’s internet searches which raised further concerns regarding the searches undertaken by Mr Goode’s school issued laptop. These search terms included:

- i. “gay little boys”
- ii. “free spirits gaylove”

- iii. “cute thai boys”
- iv. “cute thai littel [sic] boys”
- v. “Algerian gay boys”

On 9 December 2021, Mr Goode was suspended from duty.

On 9 December 2021, the police were informed, and Mr Goode was arrested for possession and distribution of indecent images of children.

On 6 January 2022, Mr Goode wrote a letter to a colleague which refers to “illegal images” for which Mr Goode was “massively regretful”.

On 15 March 2022, the police confirmed that they would be taking no further action as there was no evidence to prove that Mr Goode was *in possession of* indecent images of children.

Individual A conducted an internal disciplinary investigation. In response to the investigation, Mr Goode declined to comment at a meeting on 25 March 2022 after receiving legal advice.

The investigation report was disclosed to Mr Goode on 25 March 2022. Mr Goode was invited to attend a hearing on 19 April 2022.

Mr Goode resigned on 13 April 2022 in advance of an internal disciplinary hearing.

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:

1. Between 10 March 2021 - 07 December 2021 Mr Goode conducted internet searches for all of the search terms detailed within Schedule 1.

The panel considered the statement of agreed facts, signed by Mr Goode on 23 January 2024. In this statement of agreed facts, Mr Goode admitted allegations 1 and 2 and further admitted that this amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this statement, Mr Goode accepts that entering the search terms was for the purposes of viewing images for sexual gratification. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered Individual A note of a telephone call with Individual B of Thames Valley Police on 25 March 2022. The panel considered that in this conversation,

Individual B stated that he did not believe Mr Goode was fit to be a teacher and the only reason he was not prosecuted was because he was not *in possession of* indecent images, but that there was no doubt in the police's mind that Mr Goode accessed such images.

The panel considered the investigation report drafted by Individual A. This report concluded that Mr Goode was in breach of the Staff Code of Conduct and the School's Safeguarding policy.

The panel considered the list of searches made by Mr Goode within the bundle and reviewed these against those referred to within Schedule 1. The panel found that a significant number of the terms included within the Schedule featured in the list of searches made. Whilst the panel did not review each of the 229 search terms, the panel considered that it is more likely than not on the balance of probabilities that Mr Goode did conduct searches for all of the search terms detailed within Schedule 1.

After examining the documents before the panel and the admissions in the signed statement of agreed facts, the panel was satisfied that, on the balance of probabilities, allegation 1 was proven.

2. Any of Mr Goode's actions at Allegation 1 above were sexually motivated.

The panel noted that Mr Goode admitted that his actions at allegation 1 were sexually motivated.

The panel's attention was drawn to section 78 of the Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted guidance from *Basson* that: "*A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship*".

The panel also considered the case of *Haris*, in which it was held that, "*in the absence of a plausible innocent explanation for what he did, the facts spoke for themselves.*"

The panel also noted that in the statement of agreed facts, Mr Goode admitted that his conduct in searching for the terms listed at Allegation 1 above were carried out with a sexual motivation, in that the conduct was done in pursuit of sexual gratification.

The panel considered that the act of searching for the terms listed in schedule 1, was on the balance of probabilities, in pursuit of sexual gratification and had clear sexual motivation. The panel was of the view that there was no other plausible reason for Mr Goode's conduct, and therefore concluded that his conduct as described in allegation 1, was sexually motivated.

The panel found allegation 2 proven.

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

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Goode in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Goode 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Goode fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Goode's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel noted that paragraph 25 of the Advice states that where a teacher is found by the panel to have displayed behaviours associated with any of the offence types listed on pages 12 and 13, but was not convicted of an offence, a panel is likely to conclude that those behaviours would amount to unacceptable professional conduct.

The panel found that the offence of 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 any such activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel therefore found that Mr Goode's actions constituted unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The panel noted that paragraph 30 of the Advice states that where a teacher is found by a panel to have displayed behaviours associated with any of the offence types shown in the list that begins on page 12, but were not convicted of an offence, a panel is likely to conclude that those behaviours would amount to conduct that may bring the profession into disrepute.

As above, the panel found that the offence of 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 any such activity was relevant.

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

In summary, having found the facts of particulars 1 and 2 proved, the panel found that Mr Goode's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and

proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the safeguarding and wellbeing of pupils and the protection of other members of the public.

In the light of the panel's findings against Mr Goode, which involved searching for indecent images of children on a School issued laptop, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

The panel decided that there was not a strong public interest consideration in retaining the teacher in the profession, since the panel had not seen any particular evidence that he demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector.

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 Goode. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, involving actions that were sexually motivated;

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

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

In the light of the panel's findings:

There was no evidence to suggest that Mr Goode's actions were not deliberate.

There was no evidence to suggest that Mr Goode was acting under extreme duress.

The panel considered Mr Goode's submissions, in particular that his name has been included in the Children's Barred List and he is therefore already pursuing a career outside of teaching.

The panel considered that Mr Goode has been undertaking regular sessions with an [REDACTED] for the last 2 years. The panel considered that, in his defence submissions, it is stated that Mr Goode's previous conduct is inextricably linked to his [REDACTED].

The panel considered the statement of Mr Goode in which he shows remorse and apologises for his actions and expresses the steps he is taking to address his behaviour.

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

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

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

The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. These behaviours include 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 Goode was responsible for searching for indecent images of children on a School issued laptop on 229 separate occasions.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be relevant.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Goode 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Goode fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of searching for indecent images of children on a school issued laptop, which the panel found to be sexually motivated conduct.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to 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 Goode, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed:

“In the light of the panel's findings against Mr Goode, which involved searching for indecent images of children on a School issued laptop, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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 remorse, which the panel has set out as follows:

“The panel considered the statement of Mr Goode in which he shows remorse and apologises for his actions and expresses the steps he is taking to address his behaviour.”

The panel has noted that “Mr Goode has been undertaking regular sessions with an [REDACTED] for the last 2 years” but does not comment on the level of insight attained by Mr Goode and the effectiveness of these steps to address his behaviour. In my judgement, 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 some 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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Goode were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding that Mr Goode used a school laptop to search for indecent images of children 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 and conduct likely to bring the profession into disrepute, 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 Goode himself. The panel has commented that it “had not seen any particular evidence that he demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector.” The panel has also noted that Mr Goode is pursuing a career outside teaching.

A prohibition order would prevent Mr Goode 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 seriousness of the allegations found proven, which led the panel to conclude that

prohibition was both proportionate and appropriate. The panel has said that “the fact the activity involved viewing indecent images of children was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Goode has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period. I have considered the panel’s comments:

“The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. These behaviours include 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 Goode was responsible for searching for indecent images of children on a School issued laptop on 229 separate occasions.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the serious nature of the misconduct found proven by the panel means that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

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 Goode 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 proven against him, I have decided that Mr Goode 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 David Goode 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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 13 August 2024

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