



Teaching  
Regulation  
Agency

# **Mr David Amos: Professional conduct panel meeting outcome**

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

**September 2024**

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

<b>Teacher:</b>	Mr David Amos
<b>Teacher ref number:</b>	1477405
<b>Teacher date of birth:</b>	08 July 1992
<b>TRA reference:</b>	21389
<b>Date of determination:</b>	16 September 2024
<b>Former employer:</b>	Sedgefield Community College, Sedgefield

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 16 September 2024, by virtual means, to consider the case of Mr David Amos.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mrs Christine Cunniffe (teacher panellist).

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

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

The meeting took place in private.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 3 July 2024.

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

1. Cause Child under 16 to watch a sexual act on 29 May 2020 Sexual Offences Act s12(1)(a)
2. Cause/Incite Sexual Activity with Female 13-17 Offender 18 or over abuse of position of trust on 28 May 2020 – 21 September 2020 Sexual Offences Act 2003 s17 (1)(e)(1)

Mr Amos admitted having been convicted of the above offences and that these constituted convictions of a relevant offence.

## Preliminary applications

On 9 September 2024, the presenting officer proposed an amendment to the provisions of the legislation cited in the allegations. On 12 September 2024, Mr Amos responded to confirm he had no objection to the amendments proposed.

The panel noted that at any stage before making its decision as to whether the facts of the case have been proved, it may, if it is in the interests of justice to do so, amend an allegation. The panel noted that the description of the offences set out in the notice of meeting do not accurately record the provisions of the legislation recorded on the certificate of conviction.

In relation to allegation 1, the certificate of conviction records that Mr Amos's actions contravened section 12(1)(a),(b),(c)(i) and (2) of the Sexual Offences Act 2003.

In relation to allegation 2, the panel noted that the certificate of conviction states that Mr Amos's actions contravened s17(1) of the Sexual Offences Act 2003.

The panel considered this amendment to be of the nature of a typographical amendment rather than being one which, had it been notified earlier would have impacted Mr Amos's defence (particularly since the statement of agreed facts included references to the provisions of legislation referred to in the certificate of conviction).

The panel decided to amend the allegations as follows:

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

1. Cause Child under 16 to watch a sexual act on 29 May 2020 Sexual Offences Act s12(1)(a),(b),(c)(i) and (2);

2. Cause/Incite Sexual Activity with Female 13-17 Offender 18 or over abuse of position of trust on 28 May 2020 – 21 September 2020 Sexual Offences Act 2003 s17 (1)”

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of referral, response and notice of meeting – pages 5 to 18

Section 3: Statement of agreed facts – pages 19 to 21

Section 4: Teaching Regulation Agency documents – pages 22 to 48

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 Amos on 14 June 2024. The panel noted that the phrasing of the allegations to which Mr Amos admitted was slightly different to that in the notice of meeting, but the meaning and substance was the same.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Amos 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 Amos was employed as a teacher at Sedgefield Community College (“the College”) from 3 January 2017. A police investigation was conducted. On 18 October 2022, Mr Amos left the employment of the College.

### **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. Cause Child under 16 to watch a sexual act on 29 May 2020 Sexual Offences Act s12(1)(a),(b),(c)(i) and (2);**
- 2. Cause/Incite Sexual Activity with Female 13-17 Offender 18 or over abuse of position of trust on 28 May 2020 – 21 September 2020 Sexual Offences Act 2003 s17 (1)**

Mr Amos completed a notice of referral form confirming he admitted the above allegations. Furthermore, in the statement of agreed facts, Mr Amos admitted that he was convicted of the above offences.

The panel has seen a certificate of conviction confirming that on 20 September 2022, Mr Amos was convicted of the above offences.

The certificate confirmed that Mr Amos was sentenced on 19 October 2022 to a total of 30 months' imprisonment. He was required to register with the police indefinitely, a 10-year sexual harm prevention order was imposed and the forfeiture and destruction of his iPad and phone was ordered.

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

In the statement of agreed facts, Mr Amos has admitted that the victim of the offences was a pupil at the College and was under 16 years old. He admitted having approached the pupil by email and then having moved on to contact her by Snapchat. He admitted having sent three photographs of himself naked to the pupil and a video of himself masturbating and ejaculating. He also admitted having sent sexually explicit messages to the pupil and that he commented on [REDACTED].

## **Findings as to conviction of a relevant offence**

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

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 noted that Mr Amos's actions were relevant to teaching, working with children and working in an education setting given that the victim of the offences was a pupil of the College in which Mr Amos taught.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and security of this pupil.

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

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

This was a case concerning an offence involving

- sexual activity;
- sexual communication with a child;
- 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, including one-off incidents; and

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered that this offence was a serious one since Mr Amos used his position of trust in relation to the pupil to engage in communication of a sexual nature with her, including the exchange of sexually explicit photographs.

The panel has not been provided with any evidence of any mitigating circumstances, Mr Amos's record as a teacher, nor of any steps he may have taken to avoid any repetition of his conduct.

The panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Amos's fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour, any mitigation offered by Mr Amos and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the seriousness of the offences committed by Mr Amos against a pupil of the College in which he taught.

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

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

There was no evidence of Mr Amos's ability as an educator. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Amos in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should



be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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

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

The commission of a serious criminal offence, including those that resulted in conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;

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

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

Mr Amos presented no evidence to suggest that his actions were not deliberate. To the contrary, a component of both offences committed by Mr Amos was that he acted intentionally.

Similarly, Mr Amos provided no evidence of having acted under extreme duress, e.g. a physical threat or significant intimidation. In relation to the conviction found proven in

respect of allegation 1 above, a component of the offence included that it was committed for the purpose of obtaining sexual gratification.

There is no evidence of Mr Amos's previous teaching history nor of having demonstrated exceptionally high standards in both his personal and professional conduct. There was also no evidence that he has contributed significantly to the education sector.

Mr Amos provided no statements attesting to his character for the panel to consider.

Mr Amos has not provided any representations that indicate what, if any, insight he may have developed, nor expressing any remorse for his actions. The panel noted that he pleaded guilty to the offences.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Amos 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 Amos given his breach of position of trust in committing these offences against a pupil of the College. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include:

- serious sexual misconduct, e.g. 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 his professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child; and

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

The offences committed by Mr Amos were serious sexual misconduct against a child, that was sexually motivated. It is also apparent that he viewed an indecent photograph of the pupil as he commented upon it.

The panel had no evidence of any mitigating circumstances nor anything that could allow it to assess the risk of repetition.

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

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

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

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

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

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

In particular, the panel has found that Mr Amos 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.

- 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 Amos involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

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

The findings of misconduct are particularly serious as they include a teacher receiving a relevant conviction for sexually motivated behaviour towards a pupil aged under 16 years old leading to a sentence of 30 months' imprisonment.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Amos, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that: "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the seriousness of the offences committed by Mr Amos against a pupil of the College in which he taught." 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 it sets out as follows: "Mr Amos has not provided any representations that indicate what, if any, insight he may have developed, nor expressing any remorse for his actions. The panel noted that he pleaded guilty to the offences." In my judgement, the lack of evidence of insight and/or remorse 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 observes that: "Similarly, the panel considered

that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Amos were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction of sexually motivated behaviour towards a pupil aged under 16 in this case and the deeply negative impact that such a finding may have 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 Amos himself. The panel records the following:

“There is no evidence of Mr Amos’s previous teaching history nor of having demonstrated exceptionally high standards in both his personal and professional conduct. There was also no evidence that he has contributed significantly to the education sector.

Mr Amos provided no statements attesting to his character for the panel to consider.”

A prohibition order would prevent Mr Amos 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 very serious nature of the misconduct found in this case, including a relevant conviction for sexually motivated behaviour towards a pupil. I have also noted the absence of evidence that Mr Amos has demonstrated any evidence of remorse for or insight into his behaviour.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Amos has made and is making 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 offences committed by Mr Amos were serious sexual misconduct against a child, that was sexually motivated. It is also apparent that he viewed an indecent photograph of the pupil as he commented upon it.

The panel had no evidence of any mitigating circumstances nor anything that could allow it to assess the risk of repetition.

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

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, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found which in my judgment is fundamentally incompatible with working as a teacher, and the absence of evidence of insight and/or remorse.

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

**This means that Mr David Amos 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 Amos 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 Amos 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: Marc Cavey**

**Date: 17 September 2024**

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