



Teaching
Regulation
Agency

Mr Deane Anderton Professional conduct panel outcome

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

June 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Mr Deane Anderton

Teacher ref number: 1338127

Teacher date of birth: 4 March 1992

TRA reference: 20722

Date of determination: 13 June 2024

Former employer: Wymondham College, Norwich

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 to 13 June 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Deane Anderton.

The panel members were Mrs Maxine Cole (lay panellist – in the chair), Mrs Bev Williams (teacher/ panellist) and Mr Dara Islam (lay panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr Anderton was present and was represented by Mr Andrew Faux of Lawyers for Teachers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 26 March 2024.

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

- 1) On or around 9/10 October 2021, he:
 - a) Touched Witness C's chest and/or breast(s);
 - b) Held Witness C down in bed and/or held Witness C by her wrists;
 - c) Kissed Witness C;
 - d) Inserted his finger(s) in Witness C's mouth;
 - e) Digitally penetrated Witness C's vagina;
 - f) Digitally penetrated Witness C's anus;
 - g) Forced Witness C to touch his penis;
 - h) Forced Witness C to touch and/or penetrate his anus;
 - i) Attempted to put his hand under Witness D's top;
 - j) Attempted to put his hand underneath Witness D's jeans and/or undo Witness D's jeans
- 2) By reason of his conduct on 9/10 October 2021, he caused bruising and/or scratches to Witness C.
- 3) His conduct as outlined in allegations 1a and/or 1b and/or 1c and/or 1d and/or 1e and/or 1f and/or 1g and/or 1h and/or 1i and/or 1j above was:
 - a) Done without consent;
 - b) Sexually motivated.

Mr Anderton denied the allegations.

Preliminary applications

There were no preliminary applications. The panel were mindful that there was a prior Case Management Hearing on 10 May 2024 where the following direction was made:

a) Witness C is permitted to give evidence virtually, additionally, she will be able to give her evidence through a screening arrangement whereby she will not be able to see Mr Anderton and he will not be able to see her.

b) Cross-examination must be conducted by Mr Anderton's representative in respect of Witness C and Witness D. Mr Anderton is not to cross-examine either witness directly.

The panel therefore made sure that the directions were complied with.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised list of key people – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 49

Section 4: Teaching Regulation Agency documents – pages 50 to 372

Section 5: Teacher documents – pages 373 to 378

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the "Procedures").

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A
- Witness B
- Witness C

- Witness D

Mr Anderton also gave live evidence before the panel.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Introduction

Mr Anderton was employed by the School as a PE Teacher on 1 January 2017.

The School is a state comprehensive boarding school.

On 9 October 2021, Mr Anderton was out socialising with Witness B. Towards the end of the evening, the pair met with a group including Witness C and Witness D. The group took a taxi to Mr Anderton's home, save for one colleague who exited the vehicle at the School. The rest of the group then went to Mr Anderton's home where they all stayed the night.

Witness C and Witness D spoke with each other on 10 October 2021, and both shared that an incident had taken place the night before. Witness C reported her concerns to the School on 13 October 2021.

The school's subsequent disciplinary process concluded on 25 March 2022, following by a LADO meeting on 28 March 2022. The case was subsequently referred to the TRA on 06 April 2022.

Evidence

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions.

It accepted the legal advice provided.

The panel heard oral evidence from witnesses as above.

In addition, the panel was presented with hearsay evidence from individuals who provided some contextual evidence in relation to the underlying events.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

The panel also received documentary evidence pertaining to the investigation relating to the allegations, it was sure to treat this material with due caution and only engage with it only insofar as it was directly relevant to the case.

In considering the allegations, the panel formed its own, independent view based on the evidence presented to it.

It was mindful of the need to exercise its own independent judgement and not rely upon any opinions recorded. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

Findings of fact

The findings of fact are as follows:

1) On or around 9/10 October 2021, you:

- a) Touched Witness C's chest and/or breast(s);**
- b) Held Witness C down in bed and/or held Witness C by her wrists;**
- c) Kissed Witness C;**
- d) Inserted your finger(s) in Witness C's mouth;**
- e) Digitally penetrated Witness C's vagina;**
- f) Digitally penetrated Witness C's anus;**
- g) Forced Witness C to touch your penis;**
- h) Forced Witness C to touch and/or penetrate your anus;**
- i) Attempted to put your hand under Witness D's top;**
- j) Attempted to put your hand underneath Witness D's jeans and/or undo Witness D's jeans**

The panel heard live evidence from Witness C, Witness D and Mr Anderton in relation to this allegation. Witness A, the investigating officer also provided oral evidence which derived from her investigation. It was apparent that there was a disagreement with regard to whether there was consent with regard to the activity as it pertained to Witness C, with Mr Anderton maintaining that any activity that took place was consensual, and Witness C

disputing this. The accounts with relation to Allegation 1i) and 1j) were in dispute insofar as Mr Anderton denied that they occurred at all, whilst Witness D maintained that they did.

The panel was cognisant of the fact that the particulars of this allegation were agreed to some extent. The panel first determined that it was satisfied with the stem of the Allegation as, having no evidence to the contrary, it felt that it could appropriately record that the Allegations pertained to a situation on or around October 9 - October 10 2021.

The panel then went on to consider each particular of the Allegation in turn.

The panel was satisfied that in relation to Allegation 1a), Mr Anderton made a clear admission to this during both his written and oral evidence. The admission was also supported by the corroborating evidence from Witness C.

It therefore was satisfied that it could find Allegation 1a) proved.

In relation to Allegation 1b), the panel heard directly from Witness C who during live evidence stated that she was held down by her wrists by Mr Anderton. It was noted by the panel that Witness C had, through her evidence, given accounts of one or more occasions where she was held by the wrist and the panel viewed this as consistent with the account that she had given elsewhere. The account that Witness C provided to the School, in addition to the School's investigation and the comments that she made to her colleagues following the events, all made direct reference to her being grabbed by the wrist by Mr Anderton. Furthermore, Witness D corroborated this account through her evidence and made direct reference to Witness C telling her that she had been grabbed by the wrist and had shown her bruising to this area. Witness D's signed account within the School's investigative report dated 2 January 2022 stated that she "observed bruising on Witness C's breasts and wrist".

The panel felt that Witness C was credible in relation to this Allegation and therefore, on balance of probabilities found Allegation 1b) proved.

The panel formed the view that Mr Anderton had made an admission to Allegation 1c), albeit on a qualified basis, whereby he asserted that both parties kissed each other. The panel was therefore careful to consider the degree to which it could consider this a full admission. However, given the wording of the Allegation, it was satisfied that the act of Mr Anderton kissing Witness C in this context, would be sufficient to meet the definition used within the Allegation, even where he denied that he had acted unilaterally. The panel also heard directly from Witness C who alleged that she had been kissed by Mr Anderton. Additionally, the panel noted that through her oral evidence Witness C had asserted that every time she had said "no or stop", Mr Anderton had kissed her over her face.

The panel accordingly found Allegation 1c) proved.

The panel noted that Allegation 1d) did not arise during the oral evidence of Witness C. It was also aware that the Allegation was denied in totality by Mr Anderton. It however considered the fact that the witness statement of Witness C, made reference to Mr Anderton placing fingers in her mouth to attempt to stop her talking. It also considered that during her initial account to the School, Witness C stated "he put fingers in my mouth when I tried to talk" in reference to Mr Anderton's actions. The panel considered Witness C's account to be reliable. It therefore determined that on balance, it was more likely than not that this Allegation took place.

Allegation 1d) was therefore found proved by the panel.

The panel found that Allegation 1e) was accepted in full by Mr Anderton during his oral and written evidence. It was also referred to within both Witness C's written and oral evidence.

It accordingly found Allegation 1e) proved.

The panel found that Allegation 1f) appeared to be derived from Witness C's witness statement where she stated that Mr Anderton "penetrated me anally with his fingers". The issue of digital penetration in relation to Allegation 1f) was not admitted by Mr Anderton. The panel found that the account within the witness statement of Witness C was consistent with the written account that she submitted to the School, whereby specific mention of "penetration of this part of my body" was mentioned, following mention of Mr Anderton's anus. It therefore felt that it could logically infer that this was a contemporaneous account of Witness C stating that Mr Anderton had digitally penetrated her anus, which was consistent with her subsequent evidence.

The panel therefore found Allegation 1f) proved.

The panel noted that Allegation 1g) was referred in the accounts given by Witness C in advance of hearing as well as within her oral evidence. It was noted that Mr Anderton denied any use of force and had consistently maintained that all sexual contact had been consensual; Mr Anderton accepted that Witness C's hand had made contact with his penis which the panel determined to be evidentially linked to this Allegation. It was also noted that within her witness statement, Witness C had said "He made me touch his penis with my hand and was moving my hand back and forth on his penis" with reference to Mr Anderton. Given her consistency, the panel found that the version of events within Witness C's account were more likely to have taken place than the alternative. It was persuaded by the candid way that she described the incident within her oral evidence

which was inherently connected to the way the situation had been presented within writing. The use of force, particularly by the gripping of her wrist and the forcible placing of her hand upon Mr Anderton's penis, was something that she had consistently recounted. As per Allegation 1b) The panel also felt that the evidence of Witness D observing the bruising to Witness C's wrists corroborated this Allegation.

It accordingly found Allegation 1g) proved.

With regard to Allegation 1h), Mr Anderton appeared to partially accept this insofar as he agreed that Witness C had digitally penetrated his anus. The issue in dispute was therefore the issue of force. The panel noted that within her witness statement, Witness C described Mr Anderton "moved my hand back to his anus...and forced me to penetrate his anus with my fingers. He forced me to penetrate his anus with my fingers". It considered this evidence to be persuasive, and determined on balance that it was more likely than not to have occurred. The panel considered the assertion within Witness C's statement, that Mr Anderton had held her hand and had moved it back, was consistent with the suggestion that force had been applied. It noted that Mr Anderton had said that he had "asked" Witness C to digitally penetrate his anus, however it considered that the consistent descriptions of Witness C, with regard to this action, and the other evidence before it, the panel was satisfied that force was the more plausible explanation.

Accordingly, the panel found Allegation 1h proved.

The panel considered that Allegation 1i) and Allegation 1j) pertained directly to Witness D. It therefore considered these Allegations together. The panel noted that during her live evidence, Witness D gave a visual demonstration, showing the actions that she said she took to inhibit this attempted behaviour by Mr Anderton, by wrapping her arms around her body. The panel considered that Witness D had given a plausible account in relation to this, whereby Mr Anderton's attempted to place his hands underneath her clothing, which was also present throughout her written evidence. The panel found the fact that Witness D stated "Deane Anderton went between trying to touch my chest and my trousers several times...I recall that my muscles were seizing up and were sore from holding myself tightly for a significant period of time" within her witness statement particularly compelling when considered alongside her oral account. The panel were mindful that Mr Anderton denied making any contact at all with Witness D. However, the panel, finding Witness D to be a consistent and compelling witness, considered that it could rely upon her account. It therefore considered that the actions within Allegation 1i) and Allegation 1j) were more likely than not to have happened.

It accordingly found both Allegation 1i) and 1j) proved.

2. By reason of your conduct on 9/10 October 2021, you caused bruising and/or scratches to Witness C.

The panel first considered that Witness C had given an account with regard to both bruising and scratches which she stated emanated from the actions as alleged within Allegation 1. It considered that she gave an oral account of this, where she was clear that the cause of bruising and scratches, was the actions of Mr Anderton. Witness D also gave both an oral and a written account, whereby she stated that she had observed the scratches and bruising that Witness C said were caused by Mr Anderton and considered that this corroborated the account of Witness C. The panel also considered the hearsay account of Witness E (as found within the investigative report as compiled by Witness A), as demonstrating that she had observed the scratches and bruising. It accepted that this was a hearsay account, and that it had not had the opportunity to test this evidence, however it felt that it could be afforded significant weight, given the fact that it directly corroborated the explanations provided by Witness C and Witness D. Witness E had reportedly been shown bruises to her wrists and breasts by Witness C in the aftermath of October 10 2021. It was also noted by the panel, that Mr Anderton did not deny the plausibility that scratches and/or bruising could have been caused by the sexual activity, though it was again sure to recognise that Mr Anderton maintained that all sexual activity with Witness C had been consensual. Considering the matter in full, the panel found that Witness C's initial account had been plausible and had been corroborated by the accounts of others. It did note that it had not had sight of any photographs or anything to further bolster this evidence, but regardless was persuaded that the bruising and scratches were more likely than not to have been present and that they had been caused by Mr Anderton, due to the presence of this throughout the relatively contemporaneous accounts within this case.

The panel accordingly found Allegation 2 proved.

3. Your conduct as outlined in allegations 1a and/or 1b and/or 1c and/or 1d and/or 1e and/or 1f and/or 1g and/or 1h and/or 1i and/or 1j above was:

a) done without consent;

b) sexually motivated

Having found Allegations 1a), 1b), 1c), 1d), 1e), 1f), 1g), 1h), 1i) and 1j) proved, the panel went on to consider firstly whether the facts within these Allegations could be construed as consensual activities and secondly, whether they were sexually motivated.

It was noted by the panel that by implication the use of the term "forced" within the allegation 1g and 1h, meant that it had already effectively found that there had been no consent in relation to these particular allegations, though it was aware that the issue of consent needed to be addressed in respect of each Allegation. It considered that both Witness C and Witness D had given firm accounts whereby they had denied that any of the alleged activity was consensual. It was also felt that both of their accounts were tested within their live evidence and that they had been scrutinised in a thorough manner.

Having found both witnesses to be credible and reliable in relation to all of the actions belying Allegation 1, the panel logically determined that it could find therefore determine in accordance with Allegation 3a), that none of the actions within Allegation 1 could be said to be consensual.

Allegation 3a) was therefore found proved by the panel.

The panel were invited by the TRA's presenting officer to draw the appropriate inference in respect of Allegation 3b) and consider that Mr Anderton's behaviour in respect of Allegation 1 was sexually motivated. The panel received advice that this would contextually mean that either the behaviour was done for Mr Anderton's sexual gratification, or in pursuance of a future sexual relationship. The panel felt that it could draw an inference to the effect that the behaviour of Mr Anderton was sexually motivated in respect of each particular of Allegation 1, having now found the allegations proved. It was apparent to the panel that sexual motivation was both a plausible and logical conclusion, considering the facts that had already been found proved.

The panel therefore found Allegation 3b) proved.

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

Having found all of 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 Anderton in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Anderton 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
 - 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Anderton's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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

The panel found that the offence of sexual activity was relevant.

The panel was satisfied that the conduct of Mr Anderton amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel noted that the allegations took place outside the education setting. It formed the view that the nature of the alleged conduct, connects directly to the conduct expected of those within the teaching profession. The Allegations as found proved revolved around sexual misconduct of a serious nature towards two junior colleagues. The panel felt that such behaviour was far outside the scope of what is expect of a person who is within a teaching role. The panel was cognisant of the function of the regulator with regard to those within the teaching profession and was mindful that there may be limits to regulatory oversight of private conduct. However, given the significance of these findings, and the fact that the behaviour concerned actions directly connected to the workplace, given that the complainants were Mr Anderton's colleagues, the panel was satisfied that the conduct was directly connected to the teaching environment. It therefore determined that Mr Anderton's actions could directly impact upon his teaching role.

Accordingly, the panel was satisfied that Mr Anderton was guilty of unacceptable professional conduct.

In relation to whether Mr Anderton's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 that they behaved.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Mr Anderton'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 maintenance of public confidence in the profession and the declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Anderton which involved serious sexual misconduct in relation to two junior colleagues, there was a strong public interest consideration in relation to the above public interest concerns.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Anderton in the profession. The panel was of the view that there was no public interest in Mr Anderton remaining within the teaching profession.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Anderton.

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 Anderton. 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 were relevant in this case were:

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

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.

The panel noted that Mr Anderton had a previously good record and was of previous good character.

The panel noted the character reference of Individual A, of Mr Anderton, stated that he had known Mr Anderton for "12 years" and considered him "very principled". It also considered the reference of Individual B, who described Mr Anderton as "honest and trustworthy". It had regard for these and the other two-character references that had been provided when making its determination.

The panel felt that Mr Anderton's actions were deliberate. It considered that there was also no evidence to suggest that Mr Anderton was acting under duress.

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Anderton. The serious nature of the sexual misconduct as found proved was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

One of these was present:

- serious sexual misconduct

The panel felt that this was engaged, given the facts proved which demonstrate serious, non-consensual sexual behaviour towards two colleagues. It determined that the inherent nature of the findings made amount to serious sexual misconduct.

The Advice also indicates that where a case involves certain other characteristics, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the additional listed characteristics were engaged by the panel's findings. The panel determined that there was no expression of insight or remorse in relation to the panel's findings by Mr Anderton.

The panel also found as above that there was very little by way of mitigation.

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 Deane Anderton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Anderton 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
 - 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...
- 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 Anderton fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of non-consensual sexual misconduct with junior colleagues.

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 Anderton, 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 not noted any concerns in relation to child protection or safeguarding, but has commented that "However, given the significance of these findings, and the fact that the behaviour concerned actions directly connected to the workplace, given that the complainants were Mr Anderton's colleagues, the panel was satisfied that the conduct was directly connected to the teaching environment. It therefore determined that Mr Anderton's actions could directly impact upon his teaching role." 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 has set out as follows, "The panel determined that there was no expression of insight or remorse in relation to the panel's findings by Mr Anderton." In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour. 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 has observed, "The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the

individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of non-consensual sexual misconduct with junior colleagues in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that 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 Anderton himself. The panel has noted that "Mr Anderton had a previously good record and was of previous good character." The panel has considered 4 character references about Mr Anderton and its report has quoted positive comments about him from 2 of these references.

A prohibition order would prevent Mr Anderton 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 serious nature of the misconduct found proven and that this misconduct was against 2 junior colleagues.

I have also placed considerable weight on the panel's finding concerning the lack of insight and remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Anderton 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 insight and remorse, 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.

The panel has noted that the Advice indicates that, where a case involves serious sexual misconduct, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel has commented that it “felt that this was engaged, given the facts proved which demonstrate serious, non-consensual sexual behaviour towards two colleagues. It determined that the inherent nature of the findings made amount to serious sexual misconduct.”

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 serious nature of the misconduct found proven, and the lack of either insight 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 Deane Anderton 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 Anderton 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 Deane Anderton has a right of appeal to 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', written in a cursive style.

Decision maker: David Oatley

Date: 14 June 2024

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