



Teaching
Regulation
Agency

Mr Terence Dykes: Professional conduct panel outcome

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

September 2022

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

Teacher:	Mr Terence Dykes
Teacher ref number:	N/A
Teacher date of birth:	23 November 1971
TRA reference:	18950
Date of determination:	22 September 2022
Former employer:	Ernest Cookson School ("the school"), Liverpool

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened remotely on 21 September 2022 via Microsoft Teams, to consider the case of Mr Dykes

The panel members were Dr Zubair Hanslot (lay panellist – in the chair), Mrs Michelle Chappell (teacher panellist) and Mrs Melissa West (teacher panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Mr Dykes was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 7 July 2022.

It was alleged that Mr Dykes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into, in that whilst employed at Ernest Cookson School, he:

1. Engaged in an inappropriate relationship and/or failed to maintain appropriate boundaries with Pupil A in that he
 - a. Exchanged messages with him via his personal phone in which he:
 - i. told Pupil A he missed him;
 - ii. told Pupil A “I wanted to take you with us away for the Easter break”;
 - iii. made reference to his private / personal life;
 - iv. encouraged him to send him one or more messages via ‘WhatsApp’;
 - b. Met up with him on one or more occasions during school holidays and/or weekends and did so:
 - i. without ensuring that he had parental consent;
 - ii. without notifying or seeking approval from senior colleagues / the school;
 - c. Bought things for Pupil A on one or more occasions, namely:
 - i. a football shirt;
 - ii. one or more meals.

Mr Dykes has not responded to the allegations. He has made no admissions to the factual allegations, and no admissions of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from the presenting officer to admit additional documents demonstrating the attempts made by the TRA to engage with Mr Dykes in advance of the hearing. The panel determined that it was in the interests of justice for it to receive those additional documents.

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession April 2018 ("the Procedures") and that the requirements for service had been satisfied. The panel also noted other correspondence to Mr Dykes, and was satisfied that reasonable efforts had been made to bring the hearing to his attention.

The panel went on to consider whether to proceed in Mr Dykes's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Dykes is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

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

- Mr Dykes had not sought an adjournment.
- There was no medical evidence before the panel which indicated that he was unfit to attend the hearing due to ill-health.
- The panel was satisfied that his absence was voluntary and he had waived his right to attend.
- Given Mr Dykes' non-engagement, there was no indication that he might attend at a future date such that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.
- There are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

- The risk of reaching the wrong conclusion and the disadvantage to Mr Dykes in not being present were mitigated by the fact that the panel has in evidence an account he gave during previous investigations. It will be able to test the evidence by asking questions of the witnesses called by the TRA.

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

The panel considered an application from the presenting officer that those parts of the hearing which involved discussion of [REDACTED] or Pupil A should be held in private. It decided that it was in the public interest for these limited parts of the hearing to be held in private.

The panel considered an application from the presenting officer to amend the wording of particular 1c of the allegation, so that it read "Bought things for *and/or gave things* to Pupil A on one or more occasions" (proposed additional words in italics). The presenting officer submitted that this did not materially change the substance of the allegation. She confirmed that Mr Dykes had not been given notice of this proposed amendment, or of any further evidence that might be called to support it.

The panel had regard to Rule 4.57 of the Procedures, and received legal advice before making its decision. It concluded that it would not be in the interests of justice to allow the presenting officer's application to amend the allegation. While Mr Dykes had waived his right to attend the hearing, and by doing so, waived his right to address things arising during the course of the hearing, the panel could see no good reason why notice of the application (and any further evidence in support of it) had not been given to Mr Dykes in advance of the hearing. Although Mr Dykes had not formally responded to the current allegation, the panel could not be confident that he would not have responded had he been given notice of the proposed amendment. The panel was satisfied that the allegation as worded enabled it to properly consider and make findings on the case which would satisfy the public interest.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 5

Section 2: Notice of proceedings and response – pages 7 to 23

Section 3: Teaching Regulation Agency witness statements – pages 25 to 125

Section 4: Teaching Regulation Agency documents – pages 127 to 211

Section 5: Teacher documents – none

In addition, the panel agreed to accept the following:

Late evidence bundle pages 1 to 12

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing, that they had read the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from

- Individual A, [REDACTED]
- Individual B, [REDACTED]
- Individual C, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

Mr Dykes was an experienced unqualified teacher who had worked at the school since 1997 teaching art and craft. The school is a primary special school for children with social, emotional and mental health difficulties.

Pupil A was [REDACTED]. In June 2019, [REDACTED] raised concerns that Mr Dykes had taken Pupil A on unsupervised outings. [REDACTED] spoke to the school and to Merseyside Police, and produced a mobile phone on which there were text messages between Mr Dykes and Pupil A. Individual C from [REDACTED] spoke to Pupil A, who said that Mr Dykes had taken him on outings, bought him food while they were out, and given him a football shirt. He also confirmed he had exchanged text messages with Mr Dykes.

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. You engaged in an inappropriate relationship and/or failed to maintain appropriate boundaries with Pupil A in that you;

a. Exchanged messages with him via your personal phone in which you:

i. told Pupil A you missed him;

ii. told Pupil A “I wanted to take you with us away for the Easter break”;

iii. made reference to your private / personal life;

iv. encouraged him to send you one or more messages via ‘WhatsApp’;

The bundle contained copies of text messages which were exchanged between Mr Dykes and Pupil A. The panel was satisfied that the number from which Mr Dykes sent his messages was his personal phone number, because Individual B gave evidence that it was the phone number held by him for Mr Dykes.

These messages included the following statements from Mr Dykes:

"Sound. Iv missed you"

"I wanted to take you with us away for the Easter break"

"I have an illness which can be bad. Been in and out of hospital for a few days"

"Iv only just got back from the ozzy. I'm still on a drip"

"Have you got WhatsApp because it's free"

"Haha sound you should be sending me Message on WhatsApp."

","send me, a message now on wRsapp"

"Did you have a good day. [REDACTED] ... Hahaha. Reply on WhatsApp because your number has gone again. Must have deleted it haha"

The panel considered these statements proved the matters alleged at 1.a.i. – iv.

b. Met up with him on one or more occasions during school holidays and/or weekends and did so:

i. without ensuring that you had parental consent;

ii. without notifying or seeking approval from senior colleagues / the school;

Pupil A told [REDACTED] and Individual C that Mr Dykes had taken him on three outings during school holidays or at weekends. He told Individual C that two of these outings

were to New Brighton and one was to Southport. He said that while on these outings, they had played football or played on the beach, and that Mr Dykes had bought him food. When interviewed by Individual A in July 2019, Mr Dykes admitted that he had taken Pupil A on two outings. The panel was therefore satisfied that Mr Dykes did meet with Pupil A on one or more occasions during school holidays or weekends. The panel does not consider it necessary to make a finding as to whether there were two or three outings; it is satisfied that there was more than one.

The panel then considered whether one of more of these outings took place without Mr Dykes having ensured he had parental consent. The panel noted that Mr Dykes told Individual A that he did seek permission from [REDACTED] on the first occasion, and that [REDACTED] told the police that [REDACTED] had given Pupil A permission to go out with Mr Dykes on that first occasion. In light of this evidence, the panel did not consider that the TRA had proved, on the balance of probabilities, that Mr Dykes had not ensured he had parental consent on the first occasion.

However, the panel was satisfied that on at least one further occasion, Mr Dykes had taken Pupil A on an outing without ensuring he had parental consent. In interview with Individual A, Mr Dykes said he was under the impression that [REDACTED] had agreed to the outing. However, he did not confirm this with [REDACTED]. He said:

"I said to him [Pupil A] have you told [REDACTED]. He was adamant and said yes I have. I should have walked around [REDACTED] house. I know I shouldn't have done it anyway."

The panel considers that, by failing to check directly with [REDACTED], Mr Dykes failed to ensure he had parental consent. Accordingly, allegation 1.b.i. is proved.

The panel had direct evidence from Individual B that Mr Dykes did not notify anyone at the school about any of the outings he took Pupil A on, nor had he sought approval. Individual B gave evidence that the school is small (only 60 pupils and 27 staff members) and he therefore has a very good understanding of what is happening within it at any time. He also gave evidence that the school had procedures in place (including risk assessments and a formal consent process) for the approval of school trips, none of which were followed in respect of Mr Dykes' outings with Pupil A. The panel was therefore satisfied that Mr Dykes did not notify or seek approval from senior colleagues or the school about more than one outing that he took with Pupil A, and that allegation 1.b.ii. is proved.

c. bought things for Pupil A on one or more occasions, namely:

i. a football shirt;

ii. one or more meals.

In his interview with Individual A, Mr Dykes accepted that he had bought a football shirt, but not that he had bought it for Pupil A. He said that he had bought it as a prize for the pupil [REDACTED], and that Pupil A had won the prize. Mr Dykes said other teachers were aware of this, and that the shirt was pinned to the whiteboard in his classroom.

Having regard to the other evidence called by the TRA, the panel rejected Mr Dykes' account:

- Individual B gave evidence that it was not usual for the school to give prizes of this sort. Instead, pupils would usually receive a certificate. Any such prizes should be paid for out of the school budget, and [REDACTED] confirmed that the shirt had not been paid for out of the school budget. He said that he walked around the school every day, and he had no recollection of seeing a football shirt on Mr Dykes' whiteboard at any time. The panel considered it more likely than not that, if Mr Dykes' account was correct, Individual B would have been aware of the prize of a football shirt. The panel was wholly satisfied that Individual B was not aware of it.
- The shirt was a [REDACTED] and therefore would not have been a suitable prize for all of the potential winners, some of whom would likely have supported other football teams.
- There were text messages between [REDACTED] and Mr Dykes in which [REDACTED] suggested that [REDACTED] and Pupil A were going to watch a [REDACTED] match. This evidence suggests that a [REDACTED] might have been particularly suitable for Pupil A.

In light of the TRA's evidence, the panel considered it more likely than not that Mr Dykes bought the shirt specifically for Pupil A. Accordingly, it finds allegation 1.c.i. proved.

Pupil A described meals bought for him by Mr Dykes, and Individual C gave evidence that Mr Dykes had told her he had bought food for Pupil A. The record of Mr Dykes' disciplinary hearing says that he admitted giving Pupil A money to buy food. In light of this evidence, the panel was satisfied that allegation 1.c.ii. is proved.

The panel went on to consider whether the particulars it found proved demonstrated that Mr Dykes engaged in an inappropriate relationship and/or failed to maintain appropriate professional boundaries with Pupil A. It was satisfied that they did, for the following reasons:

- Mr Dykes used his personal mobile phone to exchange text messages with Pupil A, [REDACTED]. There was no good reason for him to do so. The panel heard evidence about other ways in which he could have made contact with [REDACTED] in a professional but supportive way.

- The personal information shared by Mr Dykes with Pupil A went way beyond the normal professional boundaries a teacher should have with [REDACTED]. The information about [REDACTED] had the potential to cause worry and concern for Pupil A, and there was no justification for him sharing it.
- The text messages were friendly in nature and of a sort that might be exchanged between friends or family, rather than between a teacher and their pupil.
- Mr Dykes went on unaccompanied social outings with Pupil A using his own car. These were outside school hours and had nothing to do with the school or Pupil A's education.
- At least one of these visits was without the consent of [REDACTED], and none were notified to or approved by the school.
- By buying food and a football shirt for Pupil A, Mr Dykes singled him out for special treatment in a way that went beyond the normal professional boundaries.

The panel had regard to the school's handbook and code of conduct, which made clear that these things were unacceptable.

The panel considered that the evidence clearly demonstrated that Mr Dykes had singled out Pupil A and sought to develop a personal relationship with him. The panel noted that in his interview with Individual A, Mr Dykes suggested that his actions in doing so were partly motivated by his desire to "get closer" to [REDACTED]. He said that he was interested in pursuing a personal, romantic relationship with [REDACTED]. The panel concluded that this was wholly inappropriate, as it was driven by Mr Dykes' own self-interest, rather than the interests of Pupil A.

Accordingly, the panel found allegation 1 proved in its entirety.

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

Having found a number 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 Dykes, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Dykes 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Dykes amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The factors which made his conduct particularly serious were:

- The involvement of a [REDACTED]
- Significant breaches of school and statutory safeguarding procedures which exist to protect children from harm, and which would have been well known to Mr Dykes
- It was not an isolated incident or "moment of madness". Mr Dykes pursued the relationship over a period of some weeks, and there was a series of text messages, outings, and buying things for Pupil A.
- While the panel accepted that Mr Dykes was in part motivated by sympathy towards Pupil A, he was also motivated by a selfish desire to get closer to [REDACTED], in order to pursue a romantic relationship with [REDACTED]. This suggests a degree of planning and calculation behind his actions.

The panel also considered whether Mr Dykes' conduct displayed behaviours associated with any of the offences listed on pages 12 - 14 of the Advice. The panel found that none of these offences was relevant.

The panel noted that the allegations took place outside the education setting, in that they involved Mr Dykes' contact with Pupil A outside of school. But the allegations were inextricably linked to his role as a teacher, as that is how he knew Pupil A and [REDACTED]. By developing an inappropriate relationship with Pupil A, and breaching professional boundaries, he exposed Pupil A to harm. The panel heard evidence that

Pupil A was stressed and distressed after the concerns were raised. Mr Dykes' actions placed Pupil A in a position no [REDACTED] should be put in, of being asked questions by the police about someone he must have thought of as a friend as well as a teacher. As an adult and an experienced professional, Mr Dykes must have been aware of the risk of harm to Pupil A, but he carried on regardless.

Accordingly, the panel was satisfied that Mr Dykes was guilty of 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 that they behave.

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 Dykes' actions constituted conduct that may bring the profession into disrepute.

Having found all the facts proved, the panel further found that Mr Dykes' 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/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 protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Dykes, which involved deliberately developing an inappropriate personal relationship with [REDACTED], partly for selfish reasons, there was a strong public interest consideration in the protection of pupils. There was evidence that emotional distress was caused to Pupil A. The panel has not seen evidence demonstrating that Mr Dykes has fully reflected on or shown insight into what happened. As a result, the panel is concerned that there is a risk of repetition.

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator. Individual B gave positive evidence about his long service, good performance in lesson observations, positive relationships with others at the school, and him being a trusted trainer in physical intervention.

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 Dykes.

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 Dykes. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils).

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

There was evidence that Mr Dykes' actions were deliberate, and there was no evidence to suggest that Mr Dykes was acting under duress. In fact, the panel found his actions to be partly motivated by self-interest.

The panel received no evidence that Mr Dykes was previously subject to disciplinary proceedings/warnings, and took account of the positive evidence about his contribution to the profession from Individual B.

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 Dykes 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 Dykes. The ongoing risk of harm to pupils 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 behaviours that, if proved, would militate against the recommendation of a review period. None of these behaviours was present in this case.

The panel considered that, although his conduct was very serious, if Mr Dykes could demonstrate in the future that he did not present any risk of repetition, it may be in the public interest for him to be allowed to return to teaching. To do this, he would need to show insight, remorse, reflection and remediation. While it is to his credit that he generally accepted matters during the local investigation, he has not participated in these proceedings and has provided no evidence of insight. But as his conduct, although serious, was not fundamentally incompatible with being a teacher, the panel concluded that he should have the opportunity to demonstrate that he has put things right and presents no ongoing risk in the future.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

The panel recommends that a minimum of 2 years should elapse before Mr Dykes should be allowed to apply to set aside the prohibition order. This would give sufficient time for Mr Dykes to develop and be able to demonstrate the insight needed, while ensuring that he is not away from the profession for so long that he becomes completely de-skilled.

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 Dykes should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Dykes is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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 that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Dykes, 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, "By developing an inappropriate relationship with Pupil A, and breaching professional boundaries, he exposed Pupil A to harm. The panel heard evidence that Pupil A was stressed and distressed after the concerns were raised. Mr Dykes' actions placed Pupil A in a position no [REDACTED] should be put in, of being asked questions by the police about someone he must have thought of as a friend as well as a teacher." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel has not seen evidence demonstrating that Mr Dykes has fully reflected on or shown insight into what happened. As a result, the panel is concerned that there is a risk of repetition." In my judgement, the lack of full insight and 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 observe, "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 that they behave."

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, 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 Dykes himself. The panel comment "The panel received no evidence that Mr Dykes was previously subject to

disciplinary proceedings/warnings, and took account of the positive evidence about his contribution to the profession from Individual B.”

A prohibition order would prevent Mr Dykes from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments “In the light of the panel's findings against Mr Dykes, which involved deliberately developing an inappropriate personal relationship with [REDACTED], partly for selfish reasons, there was a strong public interest consideration in the protection of pupils. There was evidence that emotional distress was caused to Pupil A. The panel has not seen evidence demonstrating that Mr Dykes has fully reflected on or shown insight into what happened. As a result, the panel is concerned that there is a risk of repetition.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Dykes 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 full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments “The panel considered that, although his conduct was very serious, if Mr Dykes could demonstrate in the future that he did not present any risk of repetition, it may be in the public interest for him to be allowed to return to teaching. To do this, he would need to show insight, remorse, reflection and remediation. While it is to his credit that he generally accepted matters during the local investigation, he has not participated in these proceedings and has provided no evidence of insight. But as his conduct, although serious, was not fundamentally incompatible with being a teacher, the panel concluded that he should have the opportunity to demonstrate that he has put things right and presents no ongoing risk in the future.”

I have considered whether a 2 year 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, I support the view of the panel for the reasons set out.

This means that Mr Terence Dykes is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2024, 2 years from the date of this order at the earliest. This is not an automatic

right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Terence Dykes remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Terence Dykes 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 grey ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 23 September 2022

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