



Teaching  
Regulation  
Agency

# **Mr David Zell: Professional conduct panel outcome**

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

**February 2025**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	6
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	13

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

**Teacher:** Mr David Zell

**Teacher ref number:** 0944669

**Teacher date of birth:** 12 September 1987

**TRA reference:** 20996

**Date of determination:** 25 February 2025

**Former employer:** The Hurst School, Hampshire

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 24 to 25 February 2025, by way of a virtual hearing, to consider the case of Mr David Zell.

The panel members were Ms Susan Humble (lay panellist – in the chair), Mr Aidan Jenkins (teacher panellist) and Ms Mona Sood (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Scott Smith of Capsticks LLP solicitors.

Mr Zell was not present and was not represented as at the time of the hearing.

The hearing took place by way of a virtual hearing in public (save for parts which were heard in private) and was recorded.

## Allegations

The panel considered the allegations set out in the notice of hearing dated 6 November 2024.

It was alleged that Mr Zell was guilty of having been convicted of relevant offences, in that on 23 June 2022 he was sentenced:

1. For failing to stop after an accident contrary to the Road Traffic Act 1988 on 17 March 2022.
2. For driving a motor vehicle with excess alcohol contrary to the Road Traffic Act 1988 on 17 March 2022.

In his response to the notice of hearing, dated 22 November 2024, Mr Zell admitted the facts of the allegations and admitted that he had been convicted of relevant offences.

## Preliminary applications

### Application to proceed in the absence of the teacher

Mr Zell was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Zell.

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*).

The panel was satisfied that the notice of hearing had been sent to Mr Zell in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the Procedures').

The panel was provided with a service bundle containing correspondence between the TRA and Mr Zell. It was clear from the correspondence that Mr Zell did not intend to attend or be represented at the professional conduct panel hearing. It was also clear that he appreciated the hearing would proceed in his absence.

The panel noted that Mr Zell had not sought an adjournment to the hearing and the panel did not consider that an adjournment would secure his attendance at a hearing. There was no medical evidence before the panel that Mr Zell was unfit to attend the hearing. The panel concluded that Mr Zell's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Zell was neither present nor represented.

#### Application for part of the hearing to be heard in private

The panel considered an application from the presenting officer that part of the hearing relating to Mr Zell's health should be heard in private.

Whilst Mr Zell had not indicated that he wished to make an application of this nature, the presenting officer submitted that it would be fair to hear matters relating to Mr Zell's health in private.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Mr Zell's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

## **Summary of evidence**

### **Documents**

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 4
- Section 2: Notice of hearing – pages 5 to 31
- Section 3: TRA witness statements – page 32
- Section 4: TRA documents – pages 33 to 266
- Section 5: Teacher documents – pages 267 to 268
- Section 6: Service bundle – pages 269 to 301.

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

## Witnesses

The panel heard oral evidence from the following witness called by the TRA:

- Witness A, [REDACTED]

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Zell was employed by the Hurst School ('the School') between 1 September 2020 and 4 July 2022 as an Assistant Headteacher, Pastoral.

On 17 March 2022, Mr Zell drove a vehicle into the side of a residential building. The vehicle collided into a ground-floor bedroom, causing a substantial hole and serious structural damage to the property. Two residents were asleep in the bedroom at the time and suffered what were described in the bundle as "*minor injuries*".

Mr Zell fled the scene of the accident but later contacted the police to report the incident and informed them that he had "*blacked out and crashed his car into a wall*". Mr Zell claimed that he had not been under the influence of alcohol but, since returning home, had consumed a quantity of alcohol.

Mr Zell was subsequently arrested. The police carried out a breath test and found that Mr Zell exceeded the prescribed alcohol limit for driving, namely 57 microgrammes of alcohol in 100 millilitres of breath.

On 4 May 2022, Mr Zell was convicted, at Reading Magistrates' Court, for "*failing to stop after [an] accident*" and for "*driving a motor vehicle with excess alcohol*". Mr Zell pleaded guilty to these offences and was later sentenced at Reading Magistrates' Court on 23 June 2022.

The School referred the matter to the TRA on 25 July 2022.

## 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:

**On 23 June 2022 he was sentenced:**

- 1. For failing to stop after an accident contrary to the Road Traffic Act 1988 on 17 March 2022.**
- 2. For driving a motor vehicle with excess alcohol contrary to the Road Traffic Act 1988 on 17 March 2022.**

Mr Zell admitted allegations 1 and 2 in his response to the notice of hearing, dated 22 November 2024. The panel noted Mr Zell's admissions but made its own determination in respect of the allegations, based on the evidence before it.

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers document ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel was provided with a copy of the certificate of conviction from Reading Magistrates' Court, dated 13 May 2024, which confirmed that Mr Zell had been convicted of failing to stop after a road accident and driving a motor vehicle when his alcohol level was above the prescribed limit. Mr Zell pleaded guilty to both offences and was convicted on 4 May 2022.

A sentencing hearing took place on 23 June 2022 at Reading Magistrates' Court at which Mr Zell was: issued with a community order requiring him to undertake 120 hours of unpaid work; disqualified from driving for a period of 12 months; issued with a fine of £400; and ordered to pay a surcharge of £95 and costs of £85.

On examination of the evidence before the panel, the panel was satisfied that the facts of allegations 1 and 2 were proven.

## **Findings as to conviction of relevant offences**

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to relevant offences.

In doing so, the panel had regard to the Advice.

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

- not undermining fundamental British values, including... 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...

The panel noted that Mr Zell's convictions related to conduct that took place outside of the education setting. It took account of paragraph 32 of the Advice, which indicates that an offence may be a relevant offence even if it does not involve misconduct in the course of teaching.

The panel noted the letter from the Association of School and College Leaders dated 11 November 2022, written on Mr Zell's behalf, which disputed the seriousness of the convictions. The panel considered the nature and gravity of the offences. Mr Zell had driven his car whilst under the influence of alcohol, crashed into a residential property (which caused serious damage to the property and resulted in two residents sustaining "*minor injuries*") and then fled the scene. The panel decided that these were indeed serious offences, which had a clear impact upon the safety and security of members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Zell's convictions could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. In the panel's view, the public would not expect a teacher to drive whilst under the influence of alcohol nor flee the scene of a serious accident.

The panel noted that Mr Zell was not sentenced to a term of imprisonment (or issued with a suspended sentence) and acknowledged that this can indicate an offence is less serious in nature. However, the panel took account of the aggravating features of this matter, including: the damage to the residential property; the "*minor injuries*" sustained by the residents; and the fact that Mr Zell fled the scene. The panel concluded that the offences were serious in nature; they resulted in actual damage and harm and, indeed, had the potential to result in very serious damage and harm.

The panel also considered whether Mr Zell's convictions amounted to "*minor driving offences*", which the Advice indicates are less likely to amount to relevant offences. However, the panel concluded that Mr Zell's convictions did not amount to minor driving offences for the reasons set out above.

The panel had regard to paragraph 34 of the advice, which sets out a list of offences which are likely to be considered a relevant offence. The panel noted that the list included "*serious driving offences, particularly those involving alcohol*", which the panel found to be relevant in this case as Mr Zell had committed a serious driving offence whilst under the influence of alcohol.



The panel was satisfied that Mr Zell's convictions were relevant to his fitness to be a teacher and that they amounted to relevant offences. The panel considered that this adverse finding was necessary to reaffirm clear standards of conduct and to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's finding that Mr Zell has been convicted of relevant offences, 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.

The panel was aware that 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: the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct the safeguarding and wellbeing of pupils and the protection of other members of the public; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

As outlined above, the panel concluded that Mr Zell's convictions were serious in nature and amounted to relevant convictions. The panel found that there were aggravating factors in this case, namely that, having caused a serious accident which resulted in substantial damage to residential property and injured two residents, Mr Zell chose to flee the scene of the accident.

In light of these factors, the panel found there was a significant public interest in the maintenance of public confidence in the profession. In the panel's view, the public confidence in the profession could be seriously weakened if conduct such as that found against Mr Zell was not treated with the utmost seriousness when regulating the conduct of the profession.

Similarly, 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 Zell was far outside that which could reasonably be tolerated. There is an expectation that teachers maintain an exemplary level of integrity and ethical standards at all times, and Mr Zell's conduct fell far short of this standard.

The panel also found there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public. Teachers are supposed to act as role models and play an influential role in the formation of pupils' views and behaviours. Mr Zell's conduct ran counter to this. Mr Zell was well aware of [REDACTED] and elected to drink and drive and his actions resulted in two members of the public sustaining injuries.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Zell. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour.

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 concluded that Mr Zell's actions were deliberate.

There was no evidence before the panel that Mr Zell was acting under extreme duress. However, the panel noted that there were documents in the bundle which referred to Mr Zell's health at the time of the incident and [REDACTED] (which appeared to have persisted over a period in excess of 10 years on Mr Zell's own account). This included an occupational health report dated 26 May 2022 [REDACTED]. Finally, it stated that he had taken some responsibility and was trying to engage in activities to aid [REDACTED]. The panel took account of this information but did not find that it amounted to extreme duress.

There was no evidence before the panel that Mr Zell demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. The panel remained of this view having carefully explored the issue with Witness A.

Mr Zell did not attend the professional conduct panel hearing, nor did he provide submissions or documentation for the panel to consider. The panel considered this unfortunate. The panel would have benefitted from hearing submissions from Mr Zell, particularly on the issues of insight and remorse and any steps he has taken to address the circumstances that led to his offending behaviour.

The panel acknowledged Witness A's evidence that Mr Zell was remorseful and understood the impact of his conduct on the School, its pupils and its senior leadership team. This accorded with the written responses Mr Zell gave as part of the School's investigation, which included the following:

*"It is of course not good. I acknowledge and accept my actions and the consequences that I face. [REDACTED] this is something I am currently addressing through the right support and will continue to do so..."*

*"[REDACTED], I have never done anything like this previously and it had not impacted my ability to carry out my duties, especially within the work environment. I now realise how serious it is, it has seriously harmed my career as a teacher, possibly irretrievably, and this is a matter of deep regret and distress. I am also very conscious of the reputational damage to the school and this is also a matter of profound regret and sorrow to me."*

The panel also acknowledged that Mr Zell pleaded guilty to the criminal offences and admitted the allegations in these proceedings.

The panel concluded that there was some evidence of limited remorse on Mr Zell's part. However, Mr Zell's limited engagement with the proceedings did not assist with evidence of insight. In the panel's view, Mr Zell had not shown sufficient insight or an objective understanding of the nature and gravity of his misconduct. Mr Zell did not appear to have acknowledged the significant damage he caused to the residential property, the injuries sustained by the two residents or the fact that the damage could have been much worse. There was no evidence before the panel that Mr Zell had taken steps to understand and address the triggers that led to his offending behaviour. [REDACTED]. The panel was therefore concerned about the future risk of repetition.

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 Zell 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 Zell. The serious nature of the offences and the aggravating factors (as outlined above) were significant factors in forming this 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.

Paragraph 50 of the Advice indicates that, where a case involves certain behaviours, it is likely that the public interest will have a greater relevance and weight in favour of not offering a review period. The panel did not find any of these behaviours to be relevant.

Paragraph 51 of the Advice indicates that, where a case involves certain behaviours, 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. The panel did not find any of these behaviours to be relevant.

However, the panel noted that the lists at paragraphs 50 and 51 are not exhaustive. It was aware that it should consider this case on its individual merits, taking into account all the circumstances involved. Having done so, it concluded that this matter fell towards the higher end of the spectrum of seriousness. Mr Zell drove his car whilst under the influence of a quantity of alcohol. He exceeded the prescribed alcohol limit for driving (namely 57 microgrammes of alcohol in 100 millilitres of breath). He crashed into a residential property, causing serious damage to the property and injury to two of its residents and then chose to flee the scene. This single incident was a consequence of a long-standing issue that Mr Zell was aware of and said he was seeking treatment for.

The panel decided that the findings indicated a situation in which a review period would be appropriate. The panel carefully considered what would be an appropriate review period. The panel was mindful of the factors outlined above and the serious nature of Mr Zell's conduct. However, it was equally mindful of the need to weigh the public interest

against the interests of Mr Zell and propose a proportionate review period which was not punitive in nature.

Having done so, the panel decided it would be proportionate, in all the circumstances, for a prohibition order to be recommended with provisions for a review period of five years. The panel was of the view that this was a sufficient period of time to enable Mr Zell to:

- demonstrate full insight into his conduct;
- take professional steps to address the underlying reasons for his conduct in order to reduce the likelihood of recurrence;
- acknowledge the impact on those affected by his conduct; and
- be in a position to provide evidence of this to a set aside panel.

## **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 Zell should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Mr Zell 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:
  - not undermining fundamental British values, including... 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...

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

The findings of misconduct are particularly serious as they include a finding of a relevant conviction for failing to stop after an accident and driving a motor vehicle with excess alcohol.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Zell, 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:

“The panel also found there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public. Teachers are supposed to act as role models and play an influential role in the formation of pupils’ views and behaviours. Mr Zell’s conduct ran counter to this. Mr Zell was well aware of [REDACTED] and elected to drink and drive and his actions resulted in two members of the public sustaining injuries.

A prohibition order would ensure that, if the misconduct were repeated in future, there would be no risk that it would impact on the formation of the views and behaviour of the teacher’s pupils.

I have also taken into account the panel’s comments on insight and remorse, which the panel has set out as follows:

“The panel concluded that there was some evidence of limited remorse on Mr Zell’s part. However, Mr Zell’s limited engagement with the proceedings did not assist with evidence of insight. In the panel’s view, Mr Zell had not shown sufficient insight or an objective understanding of the nature and gravity of his misconduct. Mr Zell did not appear to have acknowledged the significant damage he caused to the residential property, the injuries sustained by the two residents or the fact that the damage could have been much worse. There was no evidence before the panel that Mr Zell had taken steps to understand and address the triggers that led to his offending behaviour. [REDACTED]. The panel was therefore concerned about the future risk of repetition.”

In my judgement, the lack of insight and the limited remorse mean 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 that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Zell was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the impact on the reputation of the profession of the finding that “having caused a serious accident which resulted in substantial damage to residential property and injured two residents, Mr Zell chose to flee the scene of the accident.”

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 Zell himself. The panel has commented:

“There was no evidence before the panel that Mr Zell demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. The panel remained of this view having carefully explored the issue with Witness A.”

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has noted that it “would have benefitted from hearing submissions from Mr Zell, particularly on the issues of insight and remorse and any steps he has taken to address the circumstances that led to his offending behaviour.”

I have also placed considerable weight on the panel's comments about the serious nature of the offences as well as the aggravating factors that “having caused a serious accident which resulted in substantial damage to residential property and injured two residents, Mr Zell chose to flee the scene of the accident.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Zell 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 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 a 5-year review period.

The panel has noted that although the behaviours that the Advice indicates would weigh in favour of no review period or a longer review period are not present in this case, these are not exhaustive and it has considered the case on its individual merits. The panel has commented:

“Having done so, it concluded that this matter fell towards the higher end of the spectrum of seriousness. Mr Zell drove his car whilst under the influence of a quantity of alcohol. He exceeded the prescribed alcohol limit for driving (namely 57 microgrammes of alcohol in 100 millilitres of breath). He crashed into a residential property, causing serious damage to the property and injury to two of its residents and then chose to flee the scene. This single incident was a consequence of a long-standing issue that Mr Zell was aware of and said he was seeking treatment for.”

The panel has recommended a 5-year review period to give Mr Zell sufficient time to:

- “demonstrate full insight into his conduct;
- take professional steps to address the underlying reasons for his conduct in order to reduce the likelihood of recurrence;
- acknowledge the impact on those affected by his conduct; and
- be in a position to provide evidence of this to a set aside panel.”

I have considered whether a 5-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, factors mean that allowing a 2-year 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, the lack of full insight and the risk of repetition.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession and to allow Mr Zell time to demonstrate full insight, that he has taken steps to address the underlying reasons for his behaviour and that there is no risk of reoccurrence.



**This means that Mr David Zell 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 2030, 5 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 Zell remains prohibited from teaching indefinitely.

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

Mr Zell has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping loop at the end.

**Decision maker: David Oatley**

**Date: 28 February 2025**

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