



Teaching  
Regulation  
Agency

# **David Noble: Professional conduct panel outcome**

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

**February 2025**

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

**Teacher:** Mr David Noble

**Teacher ref number:** 8772875

**Teacher date of birth:** 31 July 1965

**TRA reference:** 20087

**Date of determination:** 24 February 2025

**Former employer:** Bilton Grange Preparatory School, Rugby

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 February 2025 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr David Noble.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Mrs Christine McLintock (teacher panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Laurence Harris of Mountford Chambers.

Mr David Noble was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 11 November 2024.

It was alleged that Mr David Noble was guilty of having been convicted of a relevant offence, in that while employed as a Teacher at Bilton Grange Preparatory School of:

1. Making 2 indecent photographs or pseudo-photographs a child of Category A between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.
2. Making 24 indecent photographs or pseudo-photographs a child of Category B between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.
3. Making 67 indecent photographs or pseudo-photographs a child of Category C between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.

Mr Noble has not engaged with the TRA and therefore in the absence of a response from the teacher, the allegations are not admitted.

## Preliminary applications

### Proceeding in Absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that TRA had complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient

disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*.

- i) On the last occasion that contact was established with Mr Noble on 18 November 2024. The TRA had made extensive investigations regarding Mr Noble's current address and attempted to serve the bundle to him on 13 November 2024 which, however, was returned to sender as seen in a delivery notification from the Royal Mail. The panel therefore believed that Mr Noble had decided not to engage with the TRA hearing. The panel considered that the teacher had waived his right to be present at the hearing, knowing when and where the hearing is taking place.
- ii) Based on the lack engagement from Mr Noble to the TRA representatives, it was considered unlikely that an adjournment might result in the teacher attending voluntarily.
- iii) At the stage of the panel's considerations, it was unclear how long any such adjournment would be required to obtain Mr Noble's engagement with the hearing.
- iv) The panel noted that Mr Noble was not represented and the panel had not received any correspondence or application from Mr Noble to adjourn the hearing to obtain legal representation.
- v) The panel would be disadvantaged by not having Mr Noble give his account of events, having regard to the nature of the allegations against him. The panel did have the details of the conviction. The panel recognised that they needed to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.
- vi) The panel believed that there was a limited risk of reaching an improper conclusion about the absence of the teacher.
- vii) The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- viii) The panel recognised that the efficient disposal of allegations against teacher was required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged was said to have taken place whilst the teacher was employed at the Bilton Grange Preparatory School (the "School"). The School would have an interest in this hearing taking place in order to move forward.

ix) The panel noted that there were no witnesses present at the hearing.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as was possible; that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

## Summary of evidence

### Documents

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

Section 1: Pleadings – pages 2 to 9

Section 2: Teaching Regulation Agency Documents – pages 10 to 71

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

### Witnesses

No summary of the evidence given is required as evidence that was material to the panel's decision is captured in the reasons, below.

## 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 Noble had been employed at Bilton Grange Preparatory School (the "School") since 1 September 1996. He taught ICT and French at the School and was a lay chaplain. On 2 April 2021, Mr Noble was arrested at his residence on the school estate. Mr Noble was sentenced for three convictions as set out in the allegations on 23 October 2023.

### Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

**You have been convicted of a relevant offence while employed as a Teacher at Bilton Grange Preparatory School of:**

- 1. Making 2 indecent photographs or pseudo-photographs a child of Category A between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.**
- 2. Making 24 indecent photographs or pseudo-photographs a child of Category B between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.**
- 3. Making 67 indecent photographs or pseudo-photographs a child of Category C between 30 March 2017 and 27 March 2021 contrary to s.1(a) Protection of Children Act 1978.**

The panel had seen a certificate of conviction confirming that Mr Noble was convicted as alleged. The panel accepted the certificate of conviction as conclusive proof of the conviction and the facts necessarily implied by the conviction.

Mr Noble was sentenced to a community order of 100 hours of unpaid work, required to participate in an accredited programme for 60 days, and a rehabilitation activity requirement for 40 days. He was also ordered to register with the police for 5 years and was subject to a sexual harm prevention order for 5 years.

It is unclear from the evidence whether Mr Noble pled guilty to the offences.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence

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

- o having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the offences for which Mr Noble had been convicted:

were contrary to the standards of personal and professional conduct expected of a teacher, with reference to the Teachers' Standards;

were relevant to teaching, working with children and/or working in an education setting;

would be likely to have an impact on the safety or security of pupils or members of the public; or

would be likely to affect public confidence in the teaching profession if the teacher were allowed to continue teaching.

The panel considered the misconduct, whilst outside the course of teaching, to be relevant.

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

This was a case concerning offences involving the viewing, taking, making, possessing, distributing or publishing of any indecent photograph or image or indecent pseudo photograph or image of a child.

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

The panel viewed the offences as serious irrespective of the lack of a sentence of imprisonment.

Although Mr Noble had taught for over 24 years at the time of his arrest at the School, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Noble's fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences and it was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Given the panel's findings in respect of convictions 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Noble and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

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



the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Noble, which involved the finding of convictions of relevant offences, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the offences were related to indecent images of children.

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

Whilst no doubt had been cast upon his ability as an educator as no evidence had been provided, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Noble in the profession, since his behaviour fundamentally breached the standards of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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

- a 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 disclosure;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

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

- failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's

social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified; and

a deep-seated attitude that leads to harmful behaviour.

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

The panel noted that no references were provided from any colleagues that could attest to his ability as a teacher.

Mr Noble taught at the School for 24 years, but there was no evidence of an exceptional contribution to teaching.

The panel were satisfied that Mr Noble's actions were deliberate.

There was no evidence to suggest that Mr Noble was acting under extreme duress, e.g. a physical threat or significant intimidation.

### **Proportionality**

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 Noble 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 Noble. The serious nature of Mr Noble's convictions were 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Noble was convicted for possessing indecent images of a child.

The panel did not have any evidence on insight or remorse on the part of Mr Noble and could not form a view on the risk of repetition.

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

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

In particular, the panel has found that Mr Noble 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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

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 Noble 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 making indecent photographs or pseudo-photographs of a child.

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 Noble, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that “there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the offences were related to indecent images of children.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comment that it “did not have any evidence on insight or remorse on the part of Mr Noble and could not form a view on the risk of repetition.” In my judgement, the lack of evidence of 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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Noble were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for making indecent images of a child 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 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 Noble himself. The panel has noted that “Mr Noble taught at the School for 24 years, but there was no evidence of an exceptional contribution to teaching.”

A prohibition order would prevent Mr Noble 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 Mr Noble's conviction. The panel has concluded that the public interest considerations outweigh any interest in retaining Mr Noble in the teacher profession because "the conduct found against Mr Noble was outside that which could reasonably be tolerated."

I have given less weight in my consideration of sanction therefore to the contribution that Mr Noble 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 evidence of 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.

I have considered the panel's comment, "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Noble was convicted for possessing indecent images of a child."

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 offences of which Mr Noble was convicted and the lack of evidence 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 David Noble 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 Noble shall not be entitled to apply for restoration of his eligibility to teach.

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

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

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

**Decision maker: David Oatley**

**Date: 27 February 2025**

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