



Teaching
Regulation
Agency

Mr David Ewbank: Professional conduct panel outcome

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

October 2025

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

Teacher: Mr David Ewbank

TRA reference: 22160

Date of determination: 8 October 2025

Former employer: Wooton Upper School, Wooton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 to 8 October 2025 by way of a virtual hearing, to consider the case of Mr David Ewbank.

The panel members were Ms Rachel Kruger (teacher panellist – in the chair), Mr Carl Lygo (lay panellist) and Mrs Jessica Sheldrick (teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Wen Yeap of Browne Jacobson LLP solicitors.

Mr Ewbank was 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 14 May 2025.

It was alleged that Mr Ewbank was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Wootton Upper School ('the School'):

1. He engaged in an inappropriate relationship and/or sexual relationship with Individual B whilst [REDACTED] was under the age of 18.
2. He provided false and/or misleading information on one or more occasions in that in the academic year for 2018-2019 he shared with the School that he had marked pupils' examination work and/or shared with the Head Teacher of Wootton Academy Trust pupils' marks on templates indicating he had marked pupils' composition work, when in fact;
 - i. he had not marked and/or moderated the Music GCSE and/or A Level and/or GCE coursework for one or more pupils;
 - ii. he had not submitted the GCSE and/or A Level and/or GCE coursework to Edexcel examination board for the academic years of 2018-2019.
3. He failed to ensure one or more pupils Music compositions had been correctly and/or securely stored.
4. He informed one or more pupils that they had successfully completed their GCSE Music coursework and/or that their coursework had been sent off prior to their work being marked and/or moderated.
5. He failed to ensure one or more pupils had completed their required Music GCSE and/or A level Music coursework for submission;
6. His conduct as may be found proven above:
 - a) At Allegation 1 is indicative of his sexual interest in children.
 - b) At Allegation 1 was conduct of a sexual nature and/or was sexually motivated.
 - c) At Allegation 2 was notwithstanding previous concerns raised with him regarding the preparation of pupils appropriately for exams and/or that he was provided with support in the academic year of 2017-2018 and/or 2018-2019
 - d) At Allegation 2 and/or 4 lacked integrity and/or was dishonest.

- e) At Allegation 3 and/or 5 contributed to one or more pupils being disadvantaged when receiving their 2017-2018 and/or 2018-2019 music examination results.

At the start of the hearing Mr Ewbank stated that he admitted allegations 1, 2(i), 2(ii), 3, 5, 6(c), (d) and (e), and denied allegations 4, 6(a) and 6(b). However, during the hearing and Mr Ewbank's oral evidence, he admitted allegation 4 and allegation 6(b). Mr Ewbank admitted that his conduct in respect of the admitted allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 10 to 35

Section 2: Statement of agreed facts – pages 37 to 43

Section 3: TRA witness statements – pages 45 to 73

Section 4: TRA documents – pages 76 to 437

Section 5: Teacher documents – pages 440 to 445

In addition, the panel agreed to accept the following:

A character reference sent by email to Mr Ewbank shortly before day two of the hearing and admitted on day two of the hearing which was added as page 446.

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

In the consideration of this case, the panel had regard to the Procedures.

Witnesses

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

Witness A – [REDACTED]

Witness B – [REDACTED]

Mr Ewbank also gave live evidence.

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 Ewbank commenced employment at Wooton Upper School ('the School'), as director of music in January 2012.

During the 2017-2018 academic year, Mr Ewbank submitted music coursework directly to the examination board, contrary to the School's procedures. He was reminded in an email that GCSE and A-level coursework must be sent to the School's examination office for appropriate checks before being sent, and in any event must not be sent directly to the exam board.

In or around 2018 Mr Ewbank allegedly engaged in a sexual relationship with Individual B, who was 17 at the time.

In December 2018, Mr Ewbank allegedly informed the headteacher of the School that he had marked the pupils GSCE music composition work.

On 22 May 2019 the School was notified that the GCSE coursework for composition and performance for music had not been received by the moderator. Mr Ewbank confirmed that a sample of the coursework had been sent and that he had proof of postage. Mr Ewbank was asked for proof of postage for this on 24 May 2019, when he admitted that the coursework had not been sent and that it was parcelled up in his office. A package was posted on 24 May 2019.

On 5 June 2019, the School was informed that the composition element of the coursework had still not been received by the moderator. Mr Ewbank said that he would produce a copy of the work for submission.

On 10 June 2019, Mr Ewbank allegedly informed the headteacher of the School that he had sent the composition element of the coursework. On the same day, it came to light that the GCSE marks had not been entered on the exam board website.

On 12 June 2019, Mr Ewbank allegedly admitted to the headteacher of the School that the GCSE coursework had not been marked or submitted to the exam board for moderation.

Between 14 and 19 June 2019, further concerns allegedly emerged regarding the improper storage of student's work. Mr Ewbank had allegedly failed to store students work correctly on the School's system.

On 31 August 2019, Mr Ewbank was arrested regarding an unrelated matter.

As part of the police investigation that followed, it transpired that there was a sexual relationship between Mr Ewbank and Individual B, who was allegedly under the age of 18 at the start of the relationship. The police took no further action in relation to that matter.

The matter was referred to the TRA on 19 June 2023.

Findings of fact

The findings of fact are as follows:

1. Mr Ewbank engaged in an inappropriate relationship and/or sexual relationship with Individual B whilst he was under the age of 18.

The panel noted that Mr Ewbank admitted allegation 1. Notwithstanding his admission, the panel made a determination based on the evidence.

The panel considered the crime report dated 31 August 2019 in which Individual B stated that [REDACTED] had been in a sexual relationship with Mr Ewbank and Individual A and that [REDACTED] had been 17 at the time the relationship started.

The crime report set out that Individual B stated that [REDACTED] met Mr Ewbank and Individual A on [REDACTED] and did not know them previously. [REDACTED] stated that they went from meeting once a week to the stage where [REDACTED] had “*practically moved in*” to their home address over the last two months. The report set out that Individual B stated that the relationship was sexually based and recently had become more of an “*actual relationship*”. Individual B told the police that [REDACTED] was in a relationship with Mr Ewbank and another individual, and that Mr Ewbank had helped him get into college and that he was forceful but “*in a good way*” helping him to be more ambitious.

The panel considered the oral evidence of Mr Ewbank who stated that he did not know initially that Individual B was under 18 and that he and Individual A had asked Individual B his age and that [REDACTED] had said [REDACTED] was 18. Further, Mr Ewbank stated that [REDACTED] is an over 18s website and Individual B had stated to him that [REDACTED] wasn’t in full-time education at the time and therefore he had no reason to doubt Individual B’s age.

The panel considered Keeping Children Safe In Education (“KCSIE”) when considering whether or not the relationship was inappropriate. However, the panel noted that this did not apply to Individual B because, in accordance with the evidence before it, Individual B was not in full-time education at the time. The panel also noted that Mr Ewbank was not in a position of trust in respect of Individual B. The panel therefore found that this allegation did not fall within KCSIE.

The panel noted that Mr Ewbank admitted this allegation, in particular he admitted that the relationship with Individual B was sexual. Although Mr Ewbank admitted this allegation in its entirety, the panel found that there was insufficient evidence provided by the TRA that this was an inappropriate relationship although the panel did find that the relationship was sexual. The panel heard evidence that Individual B was not Mr Ewbank's student or former student and accepted that he may not have known Individual B's age at the time of the initial interactions. However, the panel did find that there was sufficient evidence, including from the crime report, that the relationship between Mr Ewbank and Individual B was sexual.

The panel therefore found allegation 1 proven.

2. Mr Ewbank provided false and/or misleading information on one or more occasions in that in the academic year for 2018-2019 Mr Ewbank shared with the School that he had marked Pupils examination work and/or shared with the Head Teacher of Wootton Academy Trust pupils' marks on templates indicating he had marked pupils composition work, when in fact;

- i. he had not marked and/or moderated the Music GCSE and/or A Level and/or GCE coursework for one or more pupils;**
- ii. he had not submitted the GCSE and/or A Level and/or GCE coursework to Edexcel examination board for the academic years of 2018-2019.**

The panel noted that Mr Ewbank admitted allegations 2(i) and 2(ii). Notwithstanding his admission, the panel made a determination based on the evidence.

The panel considered an email from [REDACTED] to Witness A dated 22 May 2019. The email set out that the exam board moderator had called the School saying that they had not received the coursework.

The panel had sight of an email sent from Mr Ewbank to Witness A dated 6 June 2019. The email stated that the coursework would not be ready to be sent "*today*" as requested, as he only had the copies of the work that the students had submitted prior to editing for submission to the board.

The panel considered the email sent to Witness A from the Examinations officer, [REDACTED] on 10 June 2019. The email set out that [REDACTED] had phoned the exam board about the coursework and that she could see that the GCSE music grades had still not been entered and that they could no longer be submitted online.

The panel considered the oral evidence and written statement of Witness B, who stated that in December 2018, Mr Ewbank shared with him that he had marked the pupils' composition work. He stated that he saw a template that Mr Ewbank had produced with all the pupils' marks listed on it.

Witness B stated that in May 2019, he was made aware that the examination board had not received the coursework from the School. He stated that this was due on or around 10 May 2019. Witness B submitted that on 12 June 2019, Witness A advised him that Mr Ewbank had admitted that he had not marked nor sent off the GCSE and/or A-level music coursework. He stated that it was clear Mr Ewbank had misled or been dishonest with him in December 2018. The panel noted that Witness B stated in his oral evidence that in December 2018 he was “*delighted*” to see that Mr Ewbank had marked the coursework and “*pleased to see that things seemed to be getting sorted out.*”

The panel considered the oral evidence and written statement of Witness A, who stated that on 22 May 2019, during the 2018-2019 academic year, [REDACTED] notified him that the GCSE coursework had not been received for moderation. He stated that he spoke to Mr Ewbank on the same day, and he confirmed that he had sent off the requisite copies directly to the performance moderator, contrary to the School’s policy and procedure. Witness A stated that Mr Ewbank had told him that he had proof of postage.

Witness A submitted that on 24 May 2019, he requested a copy of the proof of postage from Mr Ewbank, and Mr Ewbank informed him that he had not sent off the coursework to the performance moderator and that it was parcelled up in his office. Witness A stated that he asked Mr Ewbank to bring him the parcel to send immediately, which he did and Witness A sent the parcel on the same day.

Witness A stated that on 5 June 2019, [REDACTED] contacted him to notify him that the GCSE coursework had not been received by the examinations board. He stated that he checked the details of the post on 24 May 2019 and found that Mr Ewbank had not included the composition element of the pupils’ work in the parcel. Witness A submitted that he asked Mr Ewbank to prepare the compositions and deliver it to him to send. He stated that on 10 June 2019, Mr Ewbank told him that all of the work had been sent off. Witness A stated that he again queried why he had sent off the coursework directly to the examinations board. He stated that Mr Ewbank apologised but did not provide a reason for doing so. Witness A stated that in the afternoon of 10 June 2019, he received an email from [REDACTED] stating that the exam board had still not received the coursework.

Witness A stated that on 12 June 2019, Mr Ewbank disclosed to him that the GCSE coursework had not even been marked and had not been sent off to the examination board. Witness A stated that the School engaged teachers from another school to support in marking the coursework.

The panel did not find sufficient evidence that Mr Ewbank had provided false and/or misleading information in respect of A Level coursework although did find that this was the case in respect of GCSE coursework.

The panel found allegations 2(i) and 2(ii) proven.

3. Mr Ewbank failed to ensure one or more pupils Music compositions had been correctly and/or securely stored.

The panel noted that Mr Ewbank admitted allegation 3. Notwithstanding his admission, the panel made a determination based on the evidence.

The panel considered the School's non-exam assessment policy (January 2018) document, which set out that heads of department must ensure that all assessment materials are kept secure, including work completed by the students.

The panel considered the oral evidence and written statement of Witness B, who stated that, following the exam board notifying the School that they had not received the coursework marks in May 2019, Witness A contacted the exam board to notify them of the situation.

Witness B stated that the exam board asked if they could find another suitably qualified teacher in another centre to undertake the marking that needed completing. He stated that he and Witness A contacted the principal at another school who offered two of their staff members. Witness B submitted that it was discovered by the two external staff members that some pupils' coursework had been incomplete, missing and/or saved on Mr Ewbank's personal devices as opposed to the School's network.

The panel considered the oral evidence and written statement of Witness A, who stated that the School engaged teachers from another school, and those teachers discovered that some of the coursework had been incomplete as performances had not been recorded by Mr Ewbank. He stated that it was also discovered that some coursework had been stored in Mr Ewbank's personal devices rather than the School's network.

The panel considered Mr Ewbank's oral evidence within which he admitted that he had stored coursework on his personal devices and that, in doing so, he had failed to ensure that pupils' work was securely stored. The panel noted Mr Ewbank's comments that he felt he had to do this due to the storage size of some of the pupils' work which he was dealing with.

The panel found allegation 3 proven.

4. Mr Ewbank informed one or more pupils that they had successfully completed their GCSE Music coursework and/or that their coursework had been sent off prior to their work being marked and/or moderated.

The panel noted that Mr Ewbank admitted allegation 4 during the hearing although noted that he had previously not admitted this allegation. Notwithstanding his admission, the panel made a determination based on the evidence.

The panel considered the oral evidence and written statement of Witness B, who stated that when they informed pupils of the missing coursework, pupils informed them that Mr Ewbank had informed them that their coursework had been sent off. Witness B stated that some pupils had to complete, or in some instances re-do, the performance component for their music GCSE coursework within a short amount of time, between written examination papers they were taking in June 2019.

Witness B stated that some pupils who had not completed their composition portfolio had to return to School with copies of their compositions so these could be submitted, as the originals could not be found.

The panel considered the oral evidence and written statement of Witness A, who stated that when speaking to parents about what had happened, he learned that Mr Ewbank had told the pupils that all their coursework had been marked and submitted when this was untrue.

The panel noted that, in Mr Ewbank's oral evidence, he accepted that it was possible that pupils were given the impression that their coursework had been successfully completed and/or had been sent off before being marked and/or moderated.

The panel found allegation 4 proven.

5. Mr Ewbank failed to ensure one or more pupils had completed their required Music GCSE and/or A level Music coursework for submission;

The panel noted that Mr Ewbank admitted allegation 5. Notwithstanding his admission, the panel made a determination based on the evidence.

The panel considered the oral evidence and written statement of Witness B, who stated that some pupils had not completed their coursework as it was discovered by external staff members that some coursework was incomplete.

Witness B submitted that some pupils had to return to the School to complete their coursework for submission, and that the parents had to make arrangements for their children to come into the School to do so. Some pupils were still unable to complete all the coursework.

The panel noted that there was insufficient evidence in relation to A level coursework although considered that there was sufficient evidence in respect of GCSE coursework and that Mr Ewbank had failed to ensure that pupils had completed music GCSE coursework for submission.

The panel found allegation 5 proven.

6. Mr Ewbank's conduct as may be found proven above:

a) At Allegation 1 is indicative of his sexual interest in children.

The panel noted that Mr Ewbank denied allegation 6(a).

The panel considered the crime report dated 31 August 2019 and noted that Mr Ewbank had been in a relationship with Individual B whilst Individual B was 17 years old.

The panel considered that the findings at allegation 1 were indicative of Mr Ewbank having a sexual relationship with Individual B, in that he had admitted that he had been in a sexual relationship with Individual B for a period of time. However, the panel considered Mr Ewbank's oral evidence which was that he was not aware that Individual B was 17 at the time they first interacted. The panel considered that there was not sufficient evidence before it to suggest that Mr Ewbank had a sexual interest in children, in particular noting the fact that there was no further action taken in respect of the criminal investigation.

The police crime report stated that Mr Ewbank's devices had been seized and checked at the time of the arrest and nothing was found which led to any further action being taken.

The panel also noted that both Witness A and Witness B provided oral evidence stating that they had never had any concerns prior to these allegations that Mr Ewbank had any sexual propensity towards children. The panel considered that the TRA had not provided sufficient evidence to suggest that Mr Ewbank's actions were inappropriate and/or that his sexual relationship with Individual B was indicative of his sexual interest in children.

The panel found allegation 6(a) not proven.

b) At Allegation 1 was conduct of a sexual nature and/or was sexually motivated.

The panel noted that Mr Ewbank denied allegation 6(b) although Mr Ewbank admitted in his oral evidence that the relationship he had with Individual B was sexual in nature.

The panel's attention was drawn to section 78 of the Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2021]* by the legal adviser.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that, "[a] sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship".

The panel was also mindful of the Court of Appeal's conclusion in *Haris*. The Court found in that case that, "[i]n the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not; I would go so far as to say that that inference was overwhelming."

As set out above, Mr Ewbank had engaged in a sexual relationship with Individual B, whilst Individual B was 17 years old.

The panel considered that such conduct was inherently sexual in nature and that there was an absence of any plausible alternative explanation.

The panel went on to consider whether Mr Ewbank's conduct, as found proven at allegation 1, was sexually motivated. The panel considered that engaging in a sexual relationship which had been ongoing for a period of time was sexually motivated. The panel concluded that there was no evidence of any other plausible innocent explanation for such conduct.

The panel found that Mr Ewbank's conduct as found proven at allegation 1 was conduct of a sexual nature and/or was sexually motivated.

The panel therefore found allegation 6(b) proven.

c) At Allegation 2 was notwithstanding previous concerns raised with Mr Ewbank regarding the preparation of pupils appropriately for exams and/or that he was provided with support in the academic year of 2017-2018 and/or 2018-2019

The panel noted that Mr Ewbank admitted allegation 6(c). Notwithstanding his admission, the panel made a determination based on the evidence.

The panel had sight of an email sent to Mr Ewbank from Witness A on 3 May 2018 stating, *"please excuse the remind but please can you ensure the coursework is given to [REDACTED] to be sent off"*.

The panel considered the oral evidence and written statement of Witness A, who stated that during the 2017-2018 academic year, [REDACTED], the School's examination officer approached him as Mr Ewbank had not submitted coursework which was due to be sent off to the examinations board. He stated that on investigation, Mr Ewbank had submitted the coursework directly to the examination board without sending them to the School's examination office for the appropriate checks and records to be made first.

Witness A stated that he reminded Mr Ewbank that the GCSE and A-level coursework must not be sent directly to the examination boards. He stated that he reminded Mr Ewbank of this in writing on 3 May 2018.

The panel noted that Mr Ewbank had admitted to a support plan being in place and that children had not been achieving the outcomes expected of them due to being insufficiently prepared for their examinations. The panel noted the oral evidence of Witness A which was that some children were one or two grades behind where they should have been.

The panel found allegation 6(c) proven.

d) At Allegation 2 and/or 4 lacked integrity and/or was dishonest.

The panel noted that Mr Ewbank admitted allegation 6(d) in part, in that he admitted his conduct as described allegation 2 lacked integrity and/or was dishonest, but denied this in respect of allegation 4.

The panel considered whether Mr Ewbank had acted dishonestly and, in doing so, had regard to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Ewbank's knowledge or belief as to the facts. The panel considered that Mr Ewbank had knowingly been dishonest when informing the School that he had submitted marks for the GCSE coursework, when stating that he had sent the coursework off.

The panel noted that Mr Ewbank had been repeatedly asked about the whereabouts of the marks for the coursework and the copies to be sent for moderation, and that he had repeatedly been dishonest in stating that he had marked it and that it had been sent when it had not. The panel noted that the situation spanned over a significant period of time, and that Mr Ewbank was provided with multiple opportunities to be honest.

The panel concluded that Mr Ewbank's conduct as found proven at allegations 2 and 4 was dishonest according to the standards of ordinary decent people. The panel considered that Mr Ewbank had deliberately told lies regarding the coursework and that he was aware that he was lying with the information that he was giving regarding this.

The panel then went on to consider whether Mr Ewbank had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel had sight of the exam board sheets to be completed for marking and noted that the deadline would have been clear to Mr Ewbank. The panel also noted that Mr Ewbank was involved in multiple conversations about marking and submitting the coursework and that he had the opportunity to raise concerns and be honest. The panel further considered the impact of Mr Ewbank's conduct as described at allegation 4 on the pupils, in that the pupils unfairly suffered as a result of his actions. The panel took note of Mr Ewbank's seniority and role as head of department and the expectation on him to act with integrity.

The panel was mindful that professionals are not expected to be "*paragons of virtue*". However, the panel was satisfied that Mr Ewbank had failed to act within the higher standards expected of a teacher.

The panel was therefore satisfied, that Mr Ewbank's conduct, as found proven, lacked integrity.

The panel found allegation 6(d) proven.

e) At Allegation 3 and/or 5 contributed to one or more pupils being disadvantaged when receiving their 2017-2018 and/or 2018-2019 music examination results.

The panel noted that Mr Ewbank admitted allegation 6(e) to the extent that this applied to 2018-2019 but not in respect of 2017-2018. Notwithstanding his admission, the panel made a determination based on the evidence.

As set out in allegations 3 and 5 above, the panel had already heard that pupils' coursework was incomplete and missing which could have had a direct impact on their results. The panel heard that pupils had to return to School to seek to complete coursework and that some of them were unable to do so. The panel also considered oral evidence and the written statement of Witness B, who stated that some pupils were anxious that their final GCSE music grades would be adversely impacted by the situation caused by Mr Ewbank. He stated that the pupils were worried that this could impact on their next steps in terms of progression to a college course or A-levels.

The panel considered the oral evidence and written statement of Witness A, who stated that the period in which the conduct at allegations 3 and 5 occurred was extremely stressful for both staff members and pupils. He stated that he had to contact the families of the pupils who were shocked by Mr Ewbank's behaviour. Witness A stated that he recalled specifically that a pupil had to return to the School in order to have his performance element of his GCSE recorded as this had not been done by Mr Ewbank. He stated that the pupil presented as extremely stressed and that a massive time pressure was placed on the pupils and this meant that some of the students could not produce work to their best capabilities. Witness A stated that he believed that Mr Ewbank's behaviour had a massive knock-on effect on the future of his pupils.

The pane found allegation 6(e) proven.

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

Having found the majority 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 February 2022, which is referred to as "the Advice".

The panel first considered whether the conduct of Mr Ewbank, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Ewbank 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.
- 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 also considered whether Mr Ewbank's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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

The panel found that the offence of fraud or serious dishonesty was relevant insofar as the panel considered that Mr Ewbank's conduct, as found proven under allegations 2 and 4, involved serious dishonesty. The panel did not consider that their findings under allegation 1 reached the threshold of a behaviour associated with an offence connected with "sexual activity" and therefore did not consider that Mr Ewbank had displayed such behaviours. The panel noted that there was insufficient evidence that Mr Ewbank's actions, as found proven under allegation 1, were inappropriate.

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

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

In relation to whether Mr Ewbank's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Ewbank's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Ewbank was guilty of unacceptable professional conduct, the Panel found that the offence of fraud or serious

dishonesty was relevant in respect of the conduct as found proven under allegations 2 and 4.

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.

The panel considered that Mr Ewbank's conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Ewbank's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In light of the panel's findings against Mr Ewbank, which involved engaging in a sexual relationship with Individual B whilst he was under the age of 18, providing false and/or misleading information to the headteacher of the School in relation to the marking of pupils GCSE exam and composition work, failing to ensure GCSE work had been correctly stored, informing pupils that their work had been marked when this was not the case, failing to ensure pupils had completed their GCSE work and contributing towards pupils being disadvantaged when receiving their exam results, there was a strong public interest consideration in declaring and upholding proper standards of conduct.

Whilst the panel acknowledged that there was a strong public interest consideration in respect of the wellbeing of pupils, the panel did not consider that there was a risk of repetition in respect of Mr Ewbank's conduct. This was particularly due to the panel's understanding of Mr Ewbank's personal circumstances [REDACTED] at the time and the level of insight and remorse which he appeared to have shown regarding his behaviour.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Ewbank in the profession. The panel noted the character reference which Mr Ewbank provided during the hearing and the fact that Mr Ewbank confirmed that the maker of the character statement was aware of the allegations at the time of preparing the statement. The panel also noted that both Witness A and Witness B had stated that Mr Ewbank did not display any concerning characteristics in respect of a propensity for a sexual interest in children or that there were any concerns other than the allegations found proven. Mr Ewbank had not provided any evidence as to his ability as an educator although did make reference to his view that his extra-curricular performances had been successful and that he had had a relatively long career as a teacher which was otherwise without any issues. Mr Ewbank also stated that the incidents were indicative of his state of mind at the time and were out of character. The panel considered whether the adverse public interest considerations above outweighed any interest in retaining Mr Ewbank in the profession, and whether his behaviour fundamentally breached the standard 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.

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 Ewbank.

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 safeguarding and well-being of pupils...;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours

have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests; and

- collusion or concealment including:
 - lying to prevent the identification of wrongdoing.

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.

There was no evidence that Mr Ewbank's actions were not deliberate. The panel noted that, on the contrary, Mr Ewbank told deliberate lies to staff and pupils, albeit that he stated that he was struggling with his workload, [REDACTED] at the time.

There was no evidence to suggest that Mr Ewbank was acting under extreme duress, e.g. a physical threat or significant intimidation. However, the panel did note that the allegations took place at a difficult time for Mr Ewbank [REDACTED]. The panel did consider the oral evidence of Witness A which was that Mr Ewbank was "[REDACTED]" and that he had "*spoken to people about this at the time.*"

Mr Ewbank did not provide any evidence that he had demonstrated exceptionally high standards in his personal and professional conduct or to having contributed significantly to the education sector. Mr Ewbank stated that he had successful extra-curricular performances, however, the panel was not provided with any evidence to support this.

The panel was not provided with any evidence regarding whether or not the incident was out of character although noted that Mr Ewbank had stated that he was [REDACTED] deeply embarrassed and regretful for his actions. The panel noted that Witness B provided oral evidence as to Mr Ewbank's character and that he was "*a lovely colleague who was popular with all students*" and that his concern was "*solely regarding [Mr Ewbank's] lack of outcomes.*" The panel also noted the character reference from Mr Ewbank's associate, as referred to above.

Mr Ewbank did not provide any evidence of mitigation although he did make very candid admissions throughout the hearing. The panel noted that Mr Ewbank acknowledged and apologised for the impact that his actions had on both pupils and colleagues at the time that the incidents took place.

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, the recommendation of no prohibition order would be both a proportionate and an

appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the insight shown by Mr Ewbank, and the low risk of repetition, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are unacceptable, and the publication would meet the public interest requirement of declaring the proper standards of the profession.

The panel therefore concluded by making a recommendation that no prohibition order be made.

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 sanction.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including 6a and/or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr David Ewbank should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Ewbank 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.
- 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.

I have considered whether the conduct found proven involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and have taken into account the following, “The panel considered Keeping Children Safe In Education (“KCSIE”) when considering whether or not the relationship was inappropriate. However, the panel noted that this did not apply to Individual B because, in accordance with the evidence before it, Individual B was not in full-time education at the time. The panel also noted that Mr Ewbank was not in a position of trust in respect of Individual B. The panel therefore found that this allegation did not fall within KCSIE.”

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

The findings of misconduct are serious as they include a finding of engaging in a sexual relationship with an Individual under the age of 18, providing false and/or misleading information in relation to the marking of pupils GCSE exam and composition work, failing to ensure GCSE work had been correctly stored, informing pupils that their work had been marked when this was not the case, failing to ensure pupils had completed their GCSE work and contributing towards pupils being disadvantaged when receiving their exam results.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Ewbank, 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/safeguard pupils. The panel has observed, “Whilst the panel acknowledged that there was a strong public interest consideration in respect of the wellbeing of pupils, the panel did not consider that there was a risk of repetition in respect of Mr Ewbank’s conduct. This was particularly due to the panel’s understanding of Mr Ewbank’s personal circumstances [REDACTED] at the time and the level of insight and remorse which he appeared to have shown regarding his behaviour.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel was not provided with any evidence regarding whether or not the incident was out of character although noted that Mr Ewbank had

stated that he was [REDACTED] deeply embarrassed and regretful for his actions.” I have therefore given this element some 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 was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against Mr Ewbank was outside that which could reasonably be tolerated.” I am particularly mindful of the finding of sexual relationship with a 17 year old, providing misleading exam information and dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have considered carefully the findings in relation to sexual motivation “The panel did not consider that their findings under allegation 1 reached the threshold of a behaviour associated with an offence connected with “sexual activity” and therefore did not consider that Mr Ewbank had displayed such behaviours. The panel noted that there was insufficient evidence that Mr Ewbank’s actions, as found proven under allegation 1, were inappropriate.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Ewbank himself and the panel comment “In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Ewbank in the profession. The panel noted the character reference which Mr Ewbank provided during the hearing and the fact that Mr Ewbank confirmed that the maker of the character statement was aware of the allegations at the time of preparing the statement. The panel also noted that both Witness A and Witness B had stated that Mr Ewbank did not display any concerning characteristics in respect of a propensity for a sexual interest in children or that there were any concerns other than the allegations found proven. Mr Ewbank had not provided any evidence as to his ability as an educator although did make reference to his view that his extra-curricular performances had been successful and that he had had a relatively long career as a teacher which was otherwise without any issues. Mr Ewbank also stated that the incidents were indicative of his state of mind at the time and were out of character.”

A prohibition order would prevent Mr Ewbank 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 said, "Mr Ewbank did not provide any evidence of mitigation although he did make very candid admissions throughout the hearing. The panel noted that Mr Ewbank acknowledged and apologised for the impact that his actions had on both pupils and colleagues at the time that the incidents took place."

I have also placed considerable weight on the finding of the panel that "Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the insight shown by Mr Ewbank, and the low risk of repetition, the panel determined that a recommendation for a prohibition order would not be appropriate in this case."

In reaching my decision I have given weight to the mitigating circumstances at the time the conduct took place and that "the panel did note that the allegations took place at a difficult time for Mr Ewbank [REDACTED]. The panel did consider the oral evidence of Witness A which was that Mr Ewbank was "[REDACTED]" and that he had *"spoken to people about this at the time."*

I have given weight in my consideration of sanction therefore, to the contribution that Mr Ewbank could continue to make to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey'.

Decision maker: Sarah Buxcey

Date: 13 October 2025

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