



Mr David Hicks: Professional conduct panel outcome

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

September 2026

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

Teacher: Mr David Hicks

Teacher ref number: 8363837

Teacher date of birth: 24 September 1960

TRA reference: 25448

Date of determination: 21 September 2026

Former employer: Downside School, Stratton-on-the-Fosse

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 to 25 June 2026 and 21 September 2026 by way of a virtual hearing, to consider the case of Mr David Hicks.

The panel members were Paul Hawkins (lay panellist – in the chair), Mr Jack Davies (teacher panellist) and Susan Siesage (teacher panellist).

The legal adviser to the panel was Miss Bernard-Stevenson of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr James Lloyd of Mountford Chambers, instructed by Brabners LLP.

Mr Hicks was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 4 July 2025.

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

1. On 5 February 2025 in relation to Pupil A you:
 - a. Grabbed Pupil A by their jacket;
 - b. Pushed Pupil A against a wall;
 - c. Placed your hand or hands on Pupil A's face;
 - d. Said to Pupil A words to the effect that:
 - i. 'this is dumb insolence';
 - ii. 'I am the alpha male';
 - iii. 'I would really like to punch your face in'
 - iv. 'once I start hitting you, I won't stop'
 - v. one day you would snap, and nobody would be able to stop you doing something to Pupil A;
 - vi. one day you would snap and Pupil A should hope there was an adult nearby who could drag you off Pupil A.
 - e. Punched the wall close to Pupil A's head.
2. On 5 February 2025 in relation to Pupil B you:
 - a. Grabbed Pupil B by their shoulders;
 - b. Said to Pupil B words to the effect of:
 - i. 'how far do you think you can push me?'
 - ii. 'what would happen if I hit you?'
 - iii. 'if I hit you, I would go to jail for two years. If I beat you, I would go to jail for three years. Which one do you think I would prefer?'
 - iv. when Pupil B answered 'the second one' to your comment at paragraph 2(b)(iii) you said 'yes you're right'

c. Punched the wall close to Pupil B's head.

Mr Hicks admitted the following allegations: 1(b), 1(c), 1(d), 1(d)(i), 1(d)(ii), 1(d)(iii), 1(d)(iv), 1(d)(v), 1(d)(vi), 1(e), 2(a), 2(b)(i), 2(b)(ii), 2(b)(iii), 2(c)

Mr Hicks denied the following allegations: 1(a), 2(b)(iv)

Mr Hicks also admitted that his conduct, as admitted, constituted unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel confirms it formed its own, independent view of the allegations based on the evidence presented to it.

Summary of evidence

Documents

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

Section 1: Notice of hearing and response – pages 2 to 32

Section 2: Teaching Regulation Agency witness evidence – pages 33 to 381

Section 3: Teaching Regulation Agency documents – pages 382 to 401

Witnesses

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

- Witness A – [REDACTED], at Downside School

Decision and reasons

At the material time, Mr Hicks was employed as a physics teacher at Downside School (a co-educational Catholic boarding and day school, 'the School') based in Somerset. On 5 February 2025, during a science lesson, it is alleged that (in response to disruptive behaviour), Mr Hicks used threatening words and behaviour towards Pupils A and B. During this time, it is alleged that Mr Hicks made several aggressive and/or provocative remarks to the pupils and punched a wall.

The panel announced its decision and reasons as follows:

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

Findings of fact

The findings of fact are as follows:

1. On 5 February 2025 in relation to Pupil A you:

The panel considered the stem of the allegation together with the sub-allegations. The panel considered the evidence of Witness A who was able to give a chronology of the events. Witness A gave evidence that although she had stated that the incident occurred on 6 February 2025 in her statement, the incident in fact took place on 5 February 2025. Witness A explained that she had come to this conclusion as the incident was logged on the School's online safeguarding system ('My Concern') on 5 February 2025. In addition to this, the panel noted that Mr Hicks did not dispute that the incident took place on this date. The panel accepted this evidence and therefore determined that if the incident took place as alleged, it would have taken place on this date. The nature of the alleged incident is addressed in the panel's findings in relation to the sub-allegations below.

a. Grabbed Pupil A by their jacket;

Prior to the hearing, Mr Hicks denied this allegation.

The panel considered Pupil A's account which was provided to Witness A on or about 7 February 2025. The panel noted that in this statement, Pupil A alleged that during the incident with Mr Hicks, Mr Hicks had grabbed him by his jacket. Witness A described Pupil A's presentation (when providing his account) as reflective and subdued. She further stated that when providing his account, he 'kept entirely to the facts' and made no attempt to malign Mr Hicks. Witness A explained that she had no reason to disbelieve Pupil A's account.

The panel also considered Mr Hicks' summary of the incident which he provided on 'My Concern', which in turn had been reproduced in the Allegation Report Form dated 7 February 2025. In this summary of the incident, Mr Hicks did not state that he had grabbed Pupil A's jacket.

The panel considered the account that Mr Hicks had provided of the incident during his investigation interview on 27 February 2025. In this record of interview, he described himself as 'very angry' at the time of the incident. The panel particularly noted that Mr Hicks described himself as being someone who does not 'tolerate heat very well' and that if he were to be in an '*emotionally fraught situation*', his '*rationale(sic) mind doesn't compute.*' The panel interpreted this to mean that Mr Hicks was someone with a short fuse who could behave in an irrational and/or erratic manner when confronted with a high stress situation.

Pupil A and Mr Hicks had provided slightly different accounts of the incident. The panel preferred the evidence of Pupil A.

Pupil A had provided a clear account shortly after the incident had taken place. The panel was able to infer from the respective accounts of the incident that Mr Hicks had been very angry at the time of the incident and may not have been behaving in a rational manner. The panel therefore determined that on the balance of probabilities, Mr Hicks is more likely than not to have behaved in the manner alleged.

The panel therefore found sub-allegation 1(a) proved.

b. Pushed Pupil A against a wall;

The panel considered Pupil A's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil A alleges that Mr Hicks pushed him against a wall.

Mr Hicks admitted that during the incident, he pushed Pupil A against a wall.

Allegation 1(b) was admitted.

In light of this admission and Pupil A's evidence, the panel found sub-allegation 1(b) proved.

c. Placed your hand or hands on Pupil A's face;

The panel considered Pupil A's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil A alleges that Mr Hicks *'pushed his face back towards him.'*

The panel noted that in Mr Hicks' investigation interview which took place on 27 February 2025, he stated that *'I put my hand on Pupil A's face for him to look at me...'*

Mr Hicks admitted that during the incident, he placed his hand or hands on Pupil A's face.

Allegation 1(c) was admitted.

In light of this admission and Pupil A's evidence, the panel found sub-allegation 1(c) proved.

d. Said to Pupil A words to the effect that:

- i. 'this is dumb insolence';**
- ii. 'I am the alpha male';**
- iii. 'I would really like to punch your face in'**

iv. ‘once I start hitting you, I won’t stop’

v. one day you would snap, and nobody would be able to stop you doing something to Pupil A;

vi. one day you would snap and Pupil A should hope there was an adult nearby who could drag you off Pupil A.

The panel considered allegations 1(d)(i) to (vi) together.

The panel considered Pupil A’s account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil A provided detailed evidence of some of the words stated to him by Mr Hicks during the incident on 5 February 2025.

The panel also considered the account that Mr Hicks had provided during his investigation meeting on 27 February 2025. In this meeting he stated that during the incident he said:

- *‘this is called dumb insolence.’*
- *‘I am the alpha male.’*
- *‘I would really like to punch your face in...’*
- *‘...and once I start hitting you I won’t stop.’*

In Pupil A’s account, he stated that Mr Hicks made the following comments:

- *‘One day he could snap, and nobody could be able to stop him from doing something to me.’*

The panel noted that the other alleged comments were not present in Pupil A’s written account. However, the panel took into account the fact that Pupil A would have been frightened at the time of the incident and therefore may not have been able to recall all of the statements made by Mr Hicks or the exact wording used.

The panel also considered Mr Hicks summary of the incident which he provided on My Concern, which in turn had been reproduced in the Allegation Report Form dated 7 February 2025. In this summary of the incident, Mr Hicks admitted to saying that: *‘one day I might snap- were this to happen he should hope there is an adult near who can drag me off him.’*

Mr Hicks admitted that he made these comments during the incident with Pupil A.

Allegations 1(d)(i) to (vi) were accordingly admitted.

In light of this admission and Pupil A's evidence, the panel found allegation 1(d) proved in its entirety.

e. Punched the wall close to Pupil A's head.

The panel considered Pupil A's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil A alleges that Mr Hicks *'punched the wall right next to my head.'*

The panel also considered Mr Hicks' summary of the incident which he provided on My Concern, which in turn had been reproduced in the Allegation Report Form dated 7 February 2025. In this summary of the incident, Mr Hicks admitted punching the wall close to Pupil A's head.

The panel noted that Mr Hicks had admitted punching the wall in his investigation interview on 27 February 2025 and explained that *'the purpose was to punch the wall to bring their attention to the situation.'*

Mr Hicks admitted that he punched the wall close to Pupil A's head during the incident with Pupil A.

Allegation 1(e) was admitted.

In light of this admission and Pupil A's evidence, the panel found allegation 1(e) proved.

2. On 5 February 2025 in relation to Pupil B you:

The panel considered the stem of the allegation together with the sub-allegations. The panel considered the evidence of Witness A who was able to give a chronology of the events. Witness A gave evidence that although she had stated that the incident occurred on 6 February 2025 in her statement, the incident in fact took place on 5 February 2025. Witness A explained that she had come to this conclusion as the incident was logged on 'My Concern' on 5 February 2025. In addition to this, the panel noted that Mr Hicks did not dispute that the incident took place on this date. The panel accepted this evidence and therefore determined that if the incident took place as alleged, it would have taken place on this date. The nature of the alleged incident is addressed in the panel's findings in relation to the sub-allegations below.

a. Grabbed Pupil B by their shoulders;

The panel considered Pupil B's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil B alleged that Mr Hicks *'grabbed me from my shoulders...'*

In her evidence, Witness A explained that when Pupil B provided their account of the incident, they presented their account in a clear manner which focused on the incident that had taken place. Witness A further explained that they did not make derogatory statements about Mr Hicks and they spoke of being frightened by Mr Hicks' behaviour. Witness A indicated that there was no reason for her to disbelieve Pupil B's account.

In Mr Hicks' investigation interview, he stated that: *'I made sure that Pupil B was against the wall with my fingers of (sic) my hands on his chest to move him back.'* The panel determined that Mr Hicks' comments in this regard during the investigation interview indicated that he accepted that physical contact between himself and Pupil B took place.

The panel reminded itself of its findings in relation to Mr Hicks' temperament at the time of the incident. The panel determined that Mr Hicks was in a heightened emotional state and may not have been acting in a rational manner at the time and therefore his recollection of the precise nature of the physical contact may not have been reliable.

The panel noted that there were minor discrepancies between the respective accounts.

Notwithstanding this, in his response to the allegation, Mr Hicks admitted grabbing Pupil B by their shoulders.

Allegation 2(a) was admitted.

In light of this admission and Pupil B's evidence, the panel found sub-allegation 2(a) proved.

b. Said to Pupil B words to the effect of:

i. 'how far do you think you can push me?'

ii. 'what would happen if I hit you?'

The panel considered allegations 2(b)(i) and (ii) together.

The panel considered Pupil B's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil B alleged that Mr Hicks asked him: *'how far do you think you can push me?'* and *'what would happen if I hit you?'*

The panel also considered Mr Hicks' summary of the incident which he provided on My Concern, which in turn had been reproduced in the Allegation Report Form dated 7 February 2025. In this summary of the incident, Mr Hicks did not state that he had made these comments to Pupil B.

In the record of the investigation interview dated 27 February 2025, when asked whether Mr Hicks asked Pupil B: *'what would happen if I hit you?'* and a number of analogous

questions, Mr Hicks responded: 'Yes, I did say that' but went on to state: *'I said I would go to prison if I hit you...'*

The panel noted that Mr Hicks does not appear to have been directly asked whether he asked Pupil B 'how far do you think you can push me' during the internal investigation.

The panel noted the slight discrepancy in the wording used by Pupil B and Mr Hicks but the stem of the allegation states 'words to the effect of' and the panel was satisfied that words to the effect alleged had been used.

Notwithstanding this, in his response to the allegation, Mr Hicks admitted making these comments.

Allegations 2(b)(i) and 2(b)(ii) were admitted.

In light of this admission and Pupil B's evidence, the panel found sub-allegation 2(b)(i) and 2(b)(ii) proved.

iii. 'if I hit you, I would go to jail for two years. If I beat you, I would go to jail for three years. Which one do you think I would prefer?'

Mr Hicks provided inconsistent responses when liaising with the TRA about these allegations. Therefore, the panel determined that Mr Hicks had provided an equivocal admission which was to be treated as a denial of the allegation.

The panel considered Pupil B's account provided to Witness A on or about 7 February 2025. The panel noted that in the record of this account, Pupil B alleged that Mr Hicks stated: *'if I hit you, I would go to jail for two years. If I beat you, I would go to jail for three years. Which one do you think I would prefer?'*

In the record of the investigation interview dated 27 February 2025, when asked whether Mr Hicks stated to Pupil B: *'if I hit you, I would go to jail for two years. If I beat you, I would go to jail for three years. Which one do you think you would prefer?'* and a number of analogous questions, Mr Hicks responded: 'Yes, I did say that' but went on to state: *'I said I would go to prison if I hit you...'*

The panel noted that although Mr Hicks did not expressly admit or deny making the exact comment alleged at sub-allegation 2(b)(iii), by stating 'yes I did say that', he was accepting that he may have made a similar comment to the one alleged. The panel was of the view that the statement that Mr Hicks admitted to making (i.e. *'I said I would go to prison if I hit you...'*) was analogous to the one specified in the allegation.

The panel noted the slight discrepancy in the wording used by Pupil B and Mr Hicks but the stem of the allegation states 'words to the effect of' and the panel was satisfied that words to the effect alleged had been used.

The panel determined on the balance of probabilities that Mr Hicks had made the remark alleged in sub-allegation 2(b)(iii).

For this reason, the panel found sub-allegation 2(b)(iii) proved.

iv. when Pupil B answered ‘the second one’ to your comment at paragraph 2(b)(iii) you said ‘yes you’re right’

Mr Hicks provided inconsistent responses when liaising with the TRA about these allegations. Therefore, the panel determined that Mr Hicks had provided an equivocal admission which was to be treated as a denial of the allegation.

Having found sub-allegation 2(b)(iii) proved, the panel went on to determine whether following that remark, Pupil B and Mr Hicks made further comments to one another as alleged in this sub-allegation.

The panel considered Pupil B’s account provided to Witness A on or about 7 February 2025 in which he stated: *‘he then asked me which one do you think I would prefer?’ I said, ‘you would probably prefer the 2nd option.’ He replied, ‘yes your(sic) right’.*

The panel also considered Mr Hicks’ summary of the incident which he provided on My Concern, which in turn had been reproduced in the Allegation Report Form dated 7 February 2025. In this summary of the incident, Mr Hicks does not refer to this exchange. However, the panel was mindful that a summary of an incident is generally less detailed and may not contain as much information as a detailed witness statement.

As Pupil B and Mr Hicks had provided slightly different accounts of the incident, the panel decided which account it preferred.

The panel preferred the evidence of Pupil B. Pupil B had provided a clear account, shortly after the incident had taken place. The panel had already determined that Mr Hicks was very angry at the time of the incident and may have been behaving erratically. Moreover, the panel had already determined that owing to Mr Hicks’ heightened emotional state, his recollection of the incident was likely to be impaired. The panel therefore determined that on the balance of probabilities, Mr Hicks is more likely than not to have behaved in the manner alleged.

For this reason, the panel found sub-allegation 2(b)(iv) proved.

c. Punched the wall close to Pupil B’s head.

The panel considered Pupil B’s account provided to Witness A on or about 7 February 2025 in which he stated: *‘to which he responded by punching the wall behind me, very close to my head.’*

The panel inferred from Mr Hicks' comments during his investigation interview that he admitted this conduct. In the investigation interview he stated that: *'as words were having little effect on them... the purpose was to punch the wall to bring their attention to the situation.'*

In his response to the allegation, Mr Hicks admitted punching the wall close to Pupil B's head.

Allegation 2(c) was admitted.

In light of this admission and Pupil B's evidence, the panel found allegation 2(c) proved.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

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

The panel considered that, by reference to Part 2, the teacher was in breach of the following standards:

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

- 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 the teacher'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 violence was relevant.

Mr Hicks used aggression towards young pupils and behaved in an intimidating manner.

The panel noted that prior to the incident, the behaviour of the pupils had presented certain challenges for Mr Hicks, however, Mr Hicks' conduct was wholly incompatible with the standards expected of a teacher and could not be justified.

During the hearing, the panel was presented with a number of School policies which indicated the standard expected of staff employed by Downside School. These policies included the School's Code of Conduct and Guidance for Safer Working Practice. In this document, it stated that:

'Physical contact should take place only when it is necessary in relation to a particular activity.'

In the section of this policy entitled 'Behaviour Management' it is stated that:

'All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.'

In the same section, it is further stated that: *'Where children display difficult or challenging behaviour, staff and volunteers must follow the behaviour policies and use strategies appropriate to the circumstances and situation.'*

In the section of this policy entitled 'Use of Control and Physical Intervention' it is stated that:

'The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult...'

Mr Hicks failed to act in accordance with the guidance contained within this document. As an experienced member of staff who had attended annual safeguarding training, he would have been familiar with these policies and should have been equipped with

sufficient skills to defuse the situation without resorting to the conduct outlined in the allegations.

For these reasons, the panel was satisfied that the conduct of the teacher amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In relation to whether the teacher'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 the teacher'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 the teacher was guilty of unacceptable professional conduct, the Panel found that the offence of violence was relevant. Mr Hicks punched a wall which was only a few inches away from the head of a pupil. Mr Hicks also made explicit threats of violence.

The panel determined that Mr Hicks' conduct was fundamentally incompatible with the role and responsibilities of a teacher and established safeguarding practices.

For these reasons, the panel found that the teacher'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 safeguarding and protection of the wellbeing of pupils...
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel's findings against Mr Hicks involved punching a wall very close to two pupils' heads and making threats of violence towards both pupils. The panel also noted that both incidents happened within a short period of time. In view of the nature of the incident, there was a strong public interest consideration in safeguarding and protection of the wellbeing of pupils. Mr Hicks' conduct also occurred when Pupil A and Pupil B were outside of the classroom environment and isolated from other pupils. Owing to the level of aggression shown to the Pupils, they were afraid.

The panel was of the view that Mr Hicks' conduct amounted to a serious departure from the standards, as a reasonable person would be shocked to hear that a teacher could behave in that way.

The panel therefore considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hicks 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 also present as the conduct found against Mr Hicks 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 Hicks in the profession. Whilst there is evidence that Mr Hicks was an experienced teacher, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Hicks in the profession.

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 a high 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 Hicks.

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, and particularly where there is a continuing risk;
- violation of the rights of pupils;
- abuse of position or trust (particularly involving pupils) in that Mr Hicks used his position of authority as a teacher to isolate Pupils A and B from the rest of the class.

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 considered the following mitigating factors were present in this case:

- Mr Hicks had not been subjected to any disciplinary proceedings and/or regulatory proceedings prior to this matter.
- Mr Hicks had shown some remorse.
- Mr Hicks self-reported to his employers shortly after the conduct occurred.
- Mr Hicks displayed some (albeit limited) insight into his actions.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Hicks had an opportunity to calm down and reflect on his conduct towards Pupil A when Pupil A went to the toilet, however, Mr Hicks' poor behaviour continued.
- The conduct occurred in relation to two different pupils.
- There were other methods that Mr Hicks could have used to de-escalate the situation, but he chose not to do so.

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 Hicks 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 Hicks. The fact that the incident involved two pupils was a factor which played a role in this aspect of the panel's decision. The severity of the threats made, and the level of violence used towards the pupils (who had been isolated from their class) were also important factors. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

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

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where 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.

One of these is:

- violence

The panel was of the view that punching a wall close to two pupils' heads and making physical threats towards pupils amounts to violent conduct. The panel was also of the view that such conduct is wholly inappropriate in an educational setting. Mr Hicks' conduct was sustained over a period of several minutes. There were many opportunities for Mr Hicks to stop, reflect on his behaviour and/or to deploy different techniques to manage the Pupils' behaviour. Mr Hicks chose not to do this. The Panel concluded that in light of Mr Hicks' level of experience as a teacher he would have been familiar with de-escalation techniques and would have had many appropriate methods of discipline at his disposal.

The panel noted that in *some* cases involving violent conduct, a longer review period would be appropriate. However, in this case, the panel had grave concerns that as Mr Hicks has not engaged in these proceedings, he has failed to demonstrate a sufficient

level of insight and remorse for the panel to have confidence that his conduct will not reoccur. Moreover, there were few mitigating factors present in this case.

The panel noted that in the record of his investigation interview, there was evidence that Mr Hicks displays a dismissive and disrespectful attitude towards the pupils. He refers to Pupil B as *'a stupid [REDACTED] boy who asked stupid questions'* and that *'pupil A is like a [REDACTED] boy who is very charming but very dim.'* In the investigation report, he is noted as stating (with respect to Pupil A) that *'he had 'very little respect or time for him as a human he takes all the attention and my time'*. These statements exacerbated the panel's concerns in relation to the likelihood of repetition of the conduct. This is because it indicated that Mr Hicks' behaviour may have been underpinned by attitudinal issues which led the panel to conclude that there was significant 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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

- showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has found that the conduct of Mr Hicks fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include using aggressive and intimidating words and behaviour towards two pupils.

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 Hicks, 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’s findings against Mr Hicks involved punching a wall very close to two pupils’ heads and making threats of violence towards both pupils. The panel also noted that both incidents happened within a short period of time. In view of the nature of the incident, there was a strong public interest consideration in safeguarding and protection of the wellbeing of pupils. Mr Hicks’ conduct also occurred when Pupil A and Pupil B were outside of the classroom environment and isolated from other pupils. Owing to the level of aggression shown to the Pupils, they were afraid.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse. The panel has found that Mr Hicks “had shown some remorse” and that he had “displayed some (albeit limited) insight into his actions”. The panel has concluded that it “had grave concerns that as Mr Hicks has not engaged in these proceedings, he has failed to

demonstrate a sufficient level of insight and remorse for the panel to have confidence that his conduct will not reoccur.” In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hicks was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a teacher threatening violence towards pupils in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Hicks himself. The panel has commented that “there is evidence that Mr Hicks was an experienced teacher” and has noted that “Mr Hicks had not been subjected to any disciplinary proceedings and/or regulatory proceedings prior to this matter.”

A prohibition order would prevent Mr Hicks 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 seriousness of Mr Hicks’ behaviour. The panel has said:

“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 Hicks. The fact that the incident involved two pupils was a factor which played a role in this aspect of the panel’s decision. The severity of the threats made, and the level of violence used towards the pupils (who had been isolated from their class) were also important factors.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Hicks 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 that no provision should be made for a review period.

The panel has noted that the Advice indicates that where cases involve violence 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 has commented:

“The panel was of the view that punching a wall close to two pupils’ heads and making physical threats towards pupils amounts to violent conduct. The panel was also of the view that such conduct is wholly inappropriate in an educational setting. Mr Hicks’ conduct was sustained over a period of several minutes. There were many opportunities for Mr Hicks to stop, reflect on his behaviour and/or to deploy different techniques to manage the Pupils’ behaviour. Mr Hicks chose not to do this. The Panel concluded that in light of Mr Hicks level of experience as a teacher he would have been familiar with de-escalation techniques and would have had many appropriate methods of discipline at his disposal.”

The Advice states that panels should consider each case on its individual merits taking into account all the circumstances involved. I have considered the panel’s reasons for recommending no review period rather than a longer review period:

“The panel noted that in *some* cases involving violent conduct, a longer review period would be appropriate. However, in this case, the panel had grave concerns that as Mr Hicks has not engaged in these proceedings, he has failed to demonstrate a sufficient level of insight and remorse for the panel to have confidence that his conduct will not reoccur. Moreover, there were few mitigating factors present in this case.

The panel noted that in the record of his investigation interview, there was evidence that Mr Hicks displays a dismissive and disrespectful attitude towards the pupils. He refers to Pupil B as ‘a *stupid [REDACTED] boy who asked stupid questions*’ and that ‘*pupil A is like a [REDACTED] boy who is very charming but very dim.*’ In the investigation report, he is noted as stating (with respect to Pupil A) that ‘*he had ‘very little respect or time for him as a human he takes all the*

attention and my time'. These statements exacerbated the panel's concerns in relation to the likelihood of repetition of the conduct. This is because it indicated that Mr Hicks behaviour may have been underpinned by attitudinal issues which led the panel to conclude that there was significant risk of repetition.

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate response to achieve the aim of maintaining public confidence in the profession. I agree with the panel's finding on the seriousness of the misconduct and the significant risk of repetition. However, I have come to a different view to the panel on whether the specific circumstances in this case justify no review period rather than a longer review period indicated by the Advice. I have noted that both incidents happened on one day within a short period of time and that Mr Hicks had not been subject to disciplinary or regulatory proceedings prior to this matter.

In my view, factors in this case mean that an eight-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of Mr Hicks' behaviour, the lack of full insight and remorse, the significant risk of repetition and the potential damage to the public's perception of the teaching profession.

I consider therefore that an eight-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr David Hicks 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 1 October 2034, eight 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 Hicks remains prohibited from teaching indefinitely.

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

Mr David Hicks has a right of appeal to the High Court within 28 days from the date he is given notice of this order.



Decision maker: David Oatley

Date: 24 September 2026

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