



National College for  
Teaching & Leadership

# **Mr David Warren: Professional conduct panel meeting outcome**

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

**October 2017**

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

**Teacher:** Mr David Warren

**Teacher ref number:**

**Teacher date of birth:**

**NCTL case reference:** 16000

**Date of determination:** 20 October 2017

**Former employer:** Thomas Witham Sixth Form, Burnley

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 20 October 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr David Warren.

The panel members were Mr Paul Bompas (lay panellist – in the chair), Mr Steve Woodhouse (teacher panellist), and Ms Susan Iannantuoni (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

In advance of the meeting, the National College agreed to a request from Mr Warren that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Warren provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Warren or his representative.

The presenting officer for the National College was Ms Holly Quirk of Browne Jacobson solicitors.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 28 September 2017.

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

1. Between 2015 and 2016, he failed to maintain professional boundaries with Student A, including by:
  - a. Exchanging Facebook messages with Student A, including messages which commented on his personal life and/or asked Student A about hers;
  - b. Engaged in online gaming with Student A.

Mr Warren admitted the facts in full by way of signed agreed statement of facts dated 16 August 2017. He further accepted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

## **C. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Referral, response, statement of agreed facts, presenting officer representation and Notice of Meeting – pages 5 to 18b

Section 3: NCTL documents – pages 19 to 260

Section 5: Teacher documents – pages 262 to 295.

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr David Warren on 16 August 2017.

## **D. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

In advance of the meeting, the National College agreed to a request from Mr David Warren that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

This matter concerned a teacher who, in breach of school policies, exchanged Facebook messages with a student including messages that related to both his and the student's personal life and included inappropriate references to other teachers. The teacher also engaged in online gaming with the relevant student.

### **Findings of fact**

Our findings of fact are as follows:

The panel has found all of the particulars of the allegations against you proven, for these reasons:

- 1. Between 2015 and 2016, you failed to maintain professional boundaries with Student A, including by:**
  - a. Exchanging Facebook messages with Student A, including messages which commented on your personal life and/or asked Student A about hers;**
  - b. Engaged in online gaming with Student A.**

The facts were admitted in full by Mr David Warren by way of the signed statement of facts dated 16 August 2017. The panel considered all of the evidence and the statement of facts carefully and has concluded that the admissions are unequivocal and full in response to the allegations brought against Mr Warren. The content of the agreed statement of facts is accepted in its entirety. The panel was assisted by screen shots of the relevant Facebook conversations which reflected and provided more detail in support of the factual admissions.

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

Having found all of the allegations to be proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr David Warren in relation to the facts found proven, involved breaches of the Teachers’ Standards. Mr Warren has failed to demonstrate consistently high standards of personal and professional conduct. The panel considers that by reference to Part Two, Mr Warren has acted in breach of the following standards:

- That teachers should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- That teachers should observe proper boundaries appropriate to a teacher's professional position.
- That teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- That teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr David Warren amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. He contacted a vulnerable student [Redacted] through inappropriate means. He was being supportive of that student with good intentions but he ignored defined ways in which such contact should have been made. To this extent his conduct was misguided. In addition some inappropriate language was used and inappropriate references were made to other members of staff.

Accordingly, the panel is satisfied that Mr Warren is guilty of unacceptable professional conduct.

The panel went on to consider whether Mr Warren's actions constitute conduct that may bring the profession into disrepute. The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of fact are serious when considered against school policies and Part Two of the Standards, hence the panel's finding in relation to the issue of unacceptable professional conduct. However the panel believes that they do not support the contention, when considering the context as a whole, that such findings would likely have a negative impact on the individual's status as a teacher or potentially damaging the public perception of the profession. The panel therefore does not find that Mr Warren's actions constitute 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, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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.

After careful consideration the panel has concluded that Mr Warren's conduct was not so serious as to justify prohibition from the profession.

The panel considered that there was a strong public interest consideration in retaining the teacher in the profession, particularly given that no doubt has been cast upon his abilities as an educator or his ability to make a valuable contribution to the profession and his previous good history. He has fully accepted responsibility for his poor judgment and has shown genuine remorse for his actions. The papers put forward in support of him contain extensive good testimony as to his qualities as a teacher and he has a good previous record spanning 30 years.

The panel considered carefully whether or not it would be proportionate to impose a prohibition order.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Warren. 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 proven. Although the panel considered the breaches of the Standards to be serious, it did not consider Mr Warren's behaviour to be incompatible with him continuing to be a teacher.

Mr Warren's conduct did not seriously affect the education or well-being of pupils, did not involve any serious abuse of position or trust and did not involve sexual misconduct or any criminal behaviour. He was acting in support of a vulnerable student as her 'significant adult' – these were actions that the student's mother has supported. His error

was not complying with school policies and procedures as well as some of the content of the communications.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is a proportionate and appropriate response. Given that the nature and severity of the behaviour is at the less serious end of the possible spectrum and in light of Mr Warren's good history, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case. The panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

## **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 is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct. The panel has made a recommendation to the Secretary of State that Mr Warren should not be the subject of a prohibition order and that the publication of the adverse findings it has made is sufficient and meets the public interest requirement.

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

- That teachers should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- That teachers should observe proper boundaries appropriate to a teacher's professional position.
- That teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- That teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.



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

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

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “ He contacted a vulnerable student through inappropriate means.” A prohibition order would therefore prevent such a risk of future behaviour from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “ He has fully accepted responsibility for his poor judgment and has shown genuine remorse for his actions “

I have 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 not found that Mr Warren’s behaviour has brought the profession into disrepute.

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

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

I have also considered the impact of a prohibition order on Mr Warren himself. I have read the panel’s comments , “ extensive good testimony as to his qualities as a teacher and he has a good previous record spanning 30 years.”

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

For these reasons I have concluded that a published finding of unacceptable professional conduct is proportionate and in the public interest.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

**Decision maker: Alan Meyrick**

**Date: 27 October 2017**

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