



Teaching
Regulation
Agency

Mr James Young: Professional conduct panel meeting outcome

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

November 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr James Young
Teacher ref number:	1145733
Teacher date of birth:	14 July 1992
TRA reference:	19891
Date of determination:	7 November 2022
Former employer:	Romans Field School, Milton Keynes

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 7 November 2022 by way of a virtual meeting, to consider the case of Mr James Young.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Sharon Bhogal (teacher panellist) and Ms Victoria Jackson (teacher panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Young that the allegation be considered without a hearing. Mr Young provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Shaun Moran of Capsticks LLP, Mr Young, or any representative for Mr Young.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 31 October 2022.

It was alleged that Mr Young was guilty of having been convicted of a relevant offence, in that:

1. On 24 June 2021, he was convicted of Adult attempt to engage in sexual communication with a child.

Mr Young admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Mr Young on 4 July 2022.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 3 to 5
- Section 2: Notice of referral, response and notice of meeting – pages 6 to 29
- Section 3: Statement of agreed facts and presenting officer representations – pages 30 to 34
- Section 4: TRA documents – pages 35 to 228
- Section 5: Teacher documents – pages 229 to 238

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Young on 4 July 2022.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Young for the allegation to be considered without a hearing. The panel had 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 was necessary or appropriate in this case.

In summary, Mr Young commenced employment with Roman Field School ('the School') as a teacher, on 9 April 2018.

Mr Young was arrested on 29 May 2020, after having a conversation of a sexual nature with a child. On 31 May 2020, Mr Young informed the School of his arrest. A referral was made to the MASH and the LADO.

On 2 June 2020, Mr Young was suspended from his role at the school.

Mr Young's suspension was reviewed monthly and was continued, between July 2020 and February 2021. The school commenced its disciplinary investigation on 22 February 2021 and the police concluded their investigation on 23 February 2021. The police referred the case to the CPS.

On 10 March 2021, the School's disciplinary hearing took place. The School referred the matter to the TRA on the same day.

Mr Young's contract of employment was terminated on 12 March 2021.

Mr Young was convicted at Northampton Magistrates Court on 24 June 2021, of one offence of being a person aged 18 or over and communicating or attempting to communicate with a child, a person under 16 who he did not reasonably believe to be 16 or over, the communication being intended to encourage her to make a communication that was sexual, namely sexual gratification, contrary to section 1(1) of the Criminal Attempts Act 1981.

Mr Young was sentenced on 23 July 2021, at Northampton Crown Court, to 8 months imprisonment suspended for 24 months, to undertake a rehabilitation activity requirement for a maximum of 10 days, to participate in the Horizon Sexual Offending Credited Programme for 31 sessions and to carry out 150 hours of unpaid work. Further, Mr Young was made subject to a Sexual Harm Prevention Order and the Sex Offenders Register for a period of 10 years, ordered to pay £450 Costs and £156 Victims Surcharge.

Findings of fact

The findings of fact are as follows:

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

1. On 24 June 2021, you were convicted of Adult attempt to engage in sexual communication with a child.

The panel considered the statement of agreed facts signed by Mr Young on 4 July 2022. In that statement of agreed facts, Mr Young admitted the particulars of allegation 1. Further, it was admitted the facts of the allegations amounted to a conviction of a relevant offence.

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

The panel had been provided with a copy of the certificate of conviction from Northampton Crown Court, which detailed that Mr Young had been convicted of one count of adult attempt to engage in sexual communication with a child.

In respect of the allegations, Mr Young was sentenced at Northampton Crown Court to 8 months imprisonment suspended for 24 months. The requirements of the suspended sentence were that Mr Young undertake a rehabilitation activity requirement for a maximum of 10 days, participates in the Horizon Sexual Offending Credited Programme for 31 sessions and carries out 150 hours of unpaid work. In addition, Mr Young was made subject to a Sexual Harm Prevention Order and the Sex Offenders Register for a period of 10 years, ordered to pay £450 Costs and £156 Victims Surcharge.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proved.

Findings as to conviction of a relevant offence

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

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

The panel was satisfied that the conduct of Mr Young, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Young 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; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 noted that the incident took place outside of the education setting and had not involved pupils or other members of the School. Nevertheless, having considered all the facts of the case, the panel considered that Mr Young's actions and conviction were relevant to his profession as a teacher and him working with children and/or in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.

The panel was particularly concerned that, when engaging on the online adult chatroom, Mr Young used his title of being a primary school teacher as his username and made reference to his profession within his communications. Further, he engaged in sexual and inappropriate conversation with a person who he believed to be a [REDACTED] child, despite having been informed by the child of their age on several occasions during their conversations.

The panel noted from the bundle that Mr Young had received very thorough safeguarding training as part of his employment. The panel found Mr Young's actions, leading to his conviction, an extremely serious breach of safeguarding requirements and concluded that Mr Young presented a significant risk to pupils and/or children.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Young's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Young's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual communication with a child, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Young's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Accordingly, the panel was satisfied that Mr Young's conviction amounts to a conviction, at any time, of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Young, which involved being convicted of one count of adult attempt to engage in sexual communication with a child, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Young was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Young was outside that which could reasonably be tolerated.

Notwithstanding 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 Young.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Young. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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 that Mr Young's actions had been deliberate. There was no evidence presented to suggest that Mr Young was acting under extreme duress.

No evidence was submitted to attest to Mr Young's previous history or ability as a teacher. Nor was any evidence submitted to demonstrate that Mr Young had achieved exceptionally high standards in both his personal and professional conduct or had contributed significantly to the education sector.

The panel was not presented with any current documentation in mitigation to take into consideration. The panel however noted the contents of an email within the bundle from Mr Young to the School dated 10 February 2021, in which he expressed that the incident *“was an act of utter stupidity, a total mistake, which was completely out of character.”* Mr Young further stated, on reflection, he *“struggled during Covid and the lockdowns, especially not being able to do the one thing I love - classroom teaching.”*

In the absence of Mr Young providing any up to date documentation to the TRA, the panel was unable to fully assess Mr Young’s insight into his conduct and/or any remorse. On the documents before them the panel did not find any evidence that Mr Young had insight into his behaviour. In respect of remorse, very limited evidence was presented to the panel. The panel did however note [REDACTED] sentencing remarks, from the transcript of the sentencing hearing on 23 July 2021 which stated *“I do consider [...] there is a very realistic prospect of rehabilitation in your case, that you are extremely remorseful [.....]”*

The panel further took into account that Mr Young had admitted his conduct throughout. Specifically to the school during the investigation and following his arrest, to the police in interview and he pleaded guilty at court at the first opportunity.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Young 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 Young. The serious nature of Mr Young’s offence and the fact it involved attempted sexual communication and engaging in an inappropriate relationship with a child were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The behaviours the panel found relevant to Mr Young were serious sexual misconduct and sexual misconduct involving a child.

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 provision 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 the allegation proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Young 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; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 "considered that Mr Young's actions and conviction were relevant to his profession as a teacher and him working with children and/or in an education setting."

The finding of a relevant conviction is particularly serious as it relates to one count of an adult attempting to engage in sexual communication with a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of 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 Young, 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, “The panel found Mr Young’s actions, leading to his conviction, an extremely serious breach of safeguarding requirements and concluded that Mr Young presented a significant risk to pupils and/or children.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “On the documents before them the panel did not find any evidence that Mr Young had insight into his behaviour. In respect of remorse, very limited evidence was presented to the panel. The panel did however note [REDACTED] sentencing remarks, from the transcript of the sentencing hearing on 23 July 2021 which stated “I do consider [...] there is a very realistic prospect of rehabilitation in your case, that you are extremely remorseful [.....].” In my judgement, the lack of insight 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 observe, “The panel considered that Mr Young’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.” I am particularly mindful of the serious nature of Mr Young’s offence and the fact it involved attempted sexual communication and engaging in an inappropriate relationship with a child, 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, 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 Mr Young himself, the panel comment “No evidence was submitted to attest to Mr Young’s previous history or ability as a teacher. Nor was any evidence submitted to demonstrate that Mr Young had achieved exceptionally high standards in both his personal and professional conduct or had contributed significantly to the education sector.” A prohibition order would prevent Mr Young from teaching and would clearly deprive the public of his contribution to the profession for the period that it is in force. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Young 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 remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The behaviours the panel found relevant to Mr Young were serious sexual misconduct and sexual misconduct involving a child.”

I have considered whether allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case the finding of a relevant conviction related to sexual communication with a child means that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr James Young is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegation found proved against him, I have decided that Mr Young shall not be entitled to apply for restoration of his eligibility to teach.

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

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

A handwritten signature in black ink, appearing to read 'John Knowles', written in a cursive style.

Decision maker: John Knowles

Date: 10 November 2022

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