



Teaching
Regulation
Agency

Mr Andrew Cowey: Professional conduct panel meeting outcome

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

December 2018

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

Teacher: Mr Andrew Cowey
Teacher ref number: 0976566
Teacher date of birth: 22 October 1990
TRA reference: 16552
Date of determination: 17 December 2018
Former employer: Dene Community School, County Durham

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 December 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Andrew Cowey.

The panel members were Ms Julia Bell (teacher panellist), Mr Paul Bompas (lay panellist) and Mr John Pemberton (former teacher panellist – in the chair).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

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

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 17 October 2018.

It was alleged that Mr Andrew Cowey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that whilst employed at Dene Community School from September 2012 to June 2017:

1. he provided false information and/or amended school documentation in relation to school trip monies, specifically by:
 - a. knowingly and/or deliberately completing the spreadsheet(s) for logging collected trip monies inaccurately by recording amounts of money which he knew to be different than the amount that had been collected;
 - b. in or around April 2017, deleting the electronic files relating to one of more trips to prevent one or more others from accessing information relating to that trip;
 - c. modifying letters sent to parents about the cost of the London trip deposit in an attempt to cover up the amount of money missing from the School;
2. he failed to act in accordance with management instructions given by the Headteacher on or around 24 April 2017, in that he took approximately £170 from a pupil for the London trip on or around 25 April 2017 despite having been told that he should /must not collect such trip monies;
3. he provided an incorrect version of event when questioned by the Headteacher in relation to allegation 2;
4. his behaviour, as may be found proved at allegation 1 and/or 3 was dishonest and/or demonstrated a lack of integrity.

He has a conviction, at any time, of a relevant criminal offence in that:

5. he was convicted on 20 December 2017 at Durham Crown Court for Theft between 1st July 2016 and 30th April 2017 contrary to s1(1) of the Theft Act 1968 and issued with a community order, a curfew requirement and ordered to pay costs of £5,000 in compensation and victim surcharge fee of £85.00

In a signed Statement of Agreed Facts dated 9 August 2018, Mr Cowey unequivocally admitted all of the allegations and that these amounted to unacceptable professional conduct, conduct that may bring the profession into disrepute and that he had a conviction for a relevant offence.

C. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings, Response and Notice of Meeting – pages 4 to 10c

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 11 to 18

Section 4: Teaching Regulation Agency documents – pages 20 to 165

Section 5: Teacher documents – pages 167 to 170

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

Statement of agreed facts

The panel considered a Statement of Agreed Facts which was signed by Mr Andrew Cowey on 9 August 2018.

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 meeting.

In advance of the meeting, the TRA agreed to a request from Mr Andrew Cowey 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.

Mr Cowey had been employed at Dene Community School ('the School') since September 2012 as a teacher. In the 2016/2017, Mr Cowey accepted money from students in relation to School trips to the theatre. For some of these pupils, Mr Cowey falsely recorded these pupils as attending for free or, alternatively, benefiting from receiving funding from the Friends of Dene charity. Mr Cowey instead retained the money for himself.

Mr Cowey deleted the School trip funding spreadsheets from the School's electronic systems in order to prevent others from accessing the true account as to which pupils had paid money. Mr Cowey also amended letters to pupils' parents regarding the cost of one of the School trips in an attempt to cover up the amount of money missing from the School.

On or around 24 April 2017, Mr Cowey was instructed by the School's headmaster not to take any more money from pupils in relation to School trips. Despite this, Mr Cowey subsequently took £170 from a pupil and then provided an explanation as to why he had taken this money home. The explanation given was untrue.

After pleading guilty, Mr Cowey was subsequently convicted of theft at Durham Crown Court on 20 December 2017 in respect of the funds taken for the School trips. He sentenced to a community order, curfew requirement and ordered to pay £5,000 in compensation.

Findings of fact

Our findings of fact are as follows:

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

It is alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that whilst employed at Dene Community School from September 2012 to June 2017:

1. you provided false information and/or amended school documentation in relation to school trip monies, specifically by:

a. knowingly and/or deliberately completing the spreadsheets for logging collected trip monies inaccurately by recording amounts of money which you knew to be different than the amount that had been collected;

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

b. in or around April 2017, deleting the electronic files relating to one or more trips to prevent one or more others from accessing information relating to that trip;

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

c. modifying letters sent to parents about the cost of the London trip deposit in an attempt to cover up the amount of money missing from the School;

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

2. you failed to act in accordance with management instructions given by the Headteacher on or around 24 April 2017, in that you took approximately £170 from a pupil for the London trip on or around 25 April 2017 despite having been told that you should / must not collect such trip monies.

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

3. you provided an incorrect version of events when questioned by the Headteacher in relation to allegation 2.

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

4. your behaviour, as may be found proved at allegation 1 and/or 3 was dishonest and/or demonstrated a lack of integrity.

The panel notes the unequivocal admission to this allegation, as confirmed in the signed Statement of Agreed Facts of 9 August 2018, and therefore finds this allegation proved.

You have a conviction, at any time, of a relevant criminal offence in that:

5. you were convicted on 20 December 2017 at Durham Crown Court for Theft between 1st July 2016 and 30th April 2017 contrary to s1(1) of the Theft Act 1968 and issued with a community order, a curfew requirement and ordered to pay costs of £5,000 in compensation and victim surcharge fee of £85.00.

The panel notes the Certificate of Conviction for this offence at pages 135 to 137 and finds that Mr Cowey has been convicted of this offence.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found all of the allegations to have been 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 Cowey in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Cowey 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, and maintain high standards in their own attendance and punctuality.
- 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 Cowey clearly fell significantly short of the standards expected of the profession over a lengthy period of time.

The panel has also considered whether Mr Cowey’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice, the panel has found the behaviour of:

- fraud or serious dishonesty;
- theft from a person or other serious theft to be present.

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 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 misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Having found the facts of particulars 1 to 4 proved, the panel further find that Mr Cowey's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

The panel has noted that Mr Cowey's behaviour has ultimately not led to him receiving a sentence of imprisonment but that he did receive a 12 month community order with a curfew and ordered to pay £5,000 compensation.

This is a case involving an offence involving theft from a person or other serious theft, which the Advice states is likely to be considered a relevant offence.

The panel has taken into account that Mr Cowey has expressed that he was in financial difficulty at the relevant time. The panel has also taken into consideration Mr Cowey's account of the emotional difficulties he describes that he was suffering at the relevant time.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence, 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.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely:

- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Cowey, which involved him legitimately taking money from pupils for School trips but then stealing some of the money (and his dishonest conduct in covering this up), the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against him was not treated with the utmost seriousness when regulating the conduct of the profession

Similarly, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Cowey 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 Cowey.

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 Cowey. 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. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- 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.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate

There was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that Mr Cowey was acting under duress, and in fact the panel found

the teacher's actions to be clearly dishonest although he did have a previously good history.

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 not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr Cowey of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh those of Mr Cowey, whose dishonest course of conduct over a number of months was a significant factor in forming that opinion. Accordingly, the panel makes 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include:

- fraud or serious dishonesty;
- theft from a person or other serious cases of theft.

The panel noted that Mr Cowey was a teacher towards the beginning of his career and that he had admitted all of the allegations, which indicated some insight into his actions. The panel also noted that he had pleaded guilty before Durham Crown Court and, in his written statement, had indicated some remorse including that he had been 'disgusted' by his behaviour, which had arisen from the debt in which he had found himself. Mr Cowey had also co-operated with the Agency and provided a signed Statement of Agreed Facts to assist in the expeditious conclusion of matters.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after five years.

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 and in respect of allegation 5, a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Cowey should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Cowey 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In addition, the panel say that, "it is satisfied that the conduct of Mr Cowey clearly fell significantly short of the standards expected of the profession over a lengthy period of time."

The findings of misconduct are particularly serious as they include a finding of dishonesty involving pupil money.

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 Cowey, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Cowey's behaviour involved, "legitimately taking money from pupils for School trips but then stealing some of the money (and his dishonest conduct in covering this up)." 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, "he had admitted all of the allegations, which indicated some insight into his actions. The panel also noted that he had pleaded guilty before Durham Crown Court and, in his written statement, had indicated some remorse including that he had been 'disgusted' by his behaviour, which had arisen from the debt in which he had found himself. Mr Cowey had also co-operated with the Agency and provided a signed Statement of Agreed Facts to assist in the expeditious conclusion of matters."

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, "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."

I am particularly mindful of the finding of dishonesty 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, 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 Cowey himself. The panel say that it "found the teacher's actions to be clearly dishonest although he did have a previously good history."

A prohibition order would prevent Mr Cowey 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.

I have given less weight in my consideration of sanction, to the contribution that Mr Cowey 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. Although he has shown some remorse, Mr Cowey's behaviour was deliberate and sustained over a period of time. In addition one proven allegation makes clear, "that you took approximately £170 from a pupil for the London trip on or around 25 April 2017 despite having been told that you should / must not collect such trip monies."

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 a 5 year review period.

I have considered the panel's comments concerning, "dishonest course of conduct over a number of months was a significant factor in forming that opinion."

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, three factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the fact that the panel identify only some remorse and some insight, and the fact that he persisted in his behaviour despite a clear warning.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Andrew Cowey 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 2 January 2024, 5 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 Andrew Cowey remains prohibited from teaching indefinitely.

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

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



Decision maker: Alan Meyrick

Date: 20 December 2018

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