



Teaching
Regulation
Agency

Mr James Cocks Professional conduct panel meeting outcome

Panel decision and reasons

January 2020

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

Teacher:	Mr James Cocks (AKA Mr James Cox)
Teacher ref number:	07/52621
Teacher date of birth:	20 June 1986
TRA reference:	18104
Date of determination:	17 January 2020
Former employer:	Vardean School, Brighton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 January 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr James Cocks (AKA Cox).

The panel members were Mr Brian Hawkins, teacher panellist in the chair, Dr Angela Brown, lay panellist, and Peter Cooper, teacher panellist.

The legal adviser to the panel was Mr Matthew Corrie, Associate (Barrister) of Blake Morgan 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 Cocks that the allegations be considered without a hearing. Mr Cocks 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 Cocks or any representative.

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

Allegations

The panel considered the allegation(s) set out in the notice of allegation dated 12 July 2019.

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

1. In 2009 whilst he was a teacher at Regents Park School he:
 - (a) between June and September, he engaged in a sexual relationship with Pupil A; and
 - (b) on an unknown date, he kissed Pupil C.

2. On 9 July 2018, whilst a teacher at Varndean School, during police interview he:
 - (a) denied any relationship with Pupil A; and
 - (b) denied kissing Pupil C.

3. By Mr Cocks' conduct set out in paragraph 1, he failed to observe a proper boundary appropriate to a teacher's professional position.

4. By Mr Cocks' conduct set out in paragraph 2, he:
 - (a) was dishonest; and
 - (b) failed to act with integrity.

Mr Cocks has admitted these allegations and that his conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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, teacher notice of referral response form, Agreed statement of Facts, Teacher statement and presenting officer submissions – pages 1 to 20
- Section 2: Teaching Regulation Agency Evidence – pages 21 to 98
- Section 3: Varndean School Documents – pages 99 to 159
- Section 4: Brighton and Hove City Council Documents – pages 160 to 166
- Section 5: Teacher documents – pages 167 to 192

In addition, the panel agreed to accept the following:

The Notice of Allegation dated 12 July 2019.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and additional document admitted by the panel.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Cocks on 13 August 2019.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Cocks for the allegations 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.

The panel considered that the admissions made were unambiguous and that there were no other factors which meant that it was in the interests of justice for the matter to adjourn or to be considered at a full hearing.

Background

Between 2008 and 2012 Mr Cocks was employed as a music teacher at Regents Park School in Southampton. From 1 January 2015 until his resignation on 3 January 2019 Mr Cocks was employed as Director of Music at the Varndean School in Brighton.

In 2018 an allegation was made by Pupil A that [Redacted] whilst Mr Cocks was a teacher at Regents Park School, she had been involved in a sexual relationship with Mr Cocks. In summary, it was alleged that [Redacted], contact was established between herself and Mr Cocks via social media and that between June and September a consensual sexual relationship took place.

A further complaint emerged that alleged that Mr Cocks had kissed Pupil C whilst he was a teacher at Regents Park School. This was alleged to have occurred after the Pupil C had left the School.

A police investigation took place and on 9 July 2018 Mr Cocks was arrested and interviewed under caution. It is alleged that during this interview Mr Cocks lied in that he told the police that he had not had a relationship with Pupil A and had not kissed Pupil C.

Findings of fact

The findings of fact are as follows:

The panel found the all of the particulars of the allegations against proved, for these reasons:

- 1) Mr Cocks made admissions to each of the particulars of allegation.
- 2) These admissions were unambiguous in that Mr Cocks accepts that:
 - he had had a sexual relationship with Pupil C between June and September 2009;
 - he had kissed Pupil C;
 - The conduct above was a failure to observe a proper professional boundary appropriate to Mr Cocks' position as a teacher;
 - Mr Cocks denied to the police that he had had a relationship with Pupil A and that he had kissed Pupil C;
 - His denials of this conduct to the police were dishonest and lacking in integrity.

3) In addition to Mr Cocks' admissions and the signed statement of facts, the panel had regard to the evidence contained within the bundle, and considered that this supported the admissions made. In particular:

- It was clear from the social media messages that there had been a sexual relationship between Mr Cocks and Pupil A. For example, in dialogue on 21 August 2009, there is reference to Pupil A being concerned about not having used contraceptives and Mr Cocks reassuring her;
- DC Tack's letter dated 5 December 2018 sets out a summary of what was said in Mr Cocks' police interview. Moreover, he admitted during the Varndean School investigation that he had denied the allegations to the police.

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

Having found 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 also had regard to the Teachers' Standards, in particular Part 2. The panel noted that in relation to allegations 1 and 3 it was the standards in force in 2009 at the time of the conduct that applied.

The panel was satisfied that Mr Cocks' conduct in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Cocks 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

The panel was satisfied that Mr Cocks' conduct fell significantly short of the standards expected of the profession in that:

- As a teacher Mr Cocks was in a position of trust and so had a responsibility towards pupils at the school where he taught;

- The panel considered 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 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 they behave;
- Although it is admitted within the Statement of Agreed Facts that Pupil A was a pupil at the Regents Park School at the beginning of the material time, the panel took into account that [Redacted] and so if she was still a pupil this was by virtue of remaining on the school's roll until the end of the school year rather than continuing to attend the school. The panel also took into account that Mr Cocks did not teach Pupil A.
- However, regardless of whether Pupil A was a current pupil or a recent pupil at the relevant time, the panel considered that Mr Cocks and Pupil A knew each other by virtue of his employment and her being a pupil at the school. The panel, therefore, considered that Mr Cocks had a duty to maintain professional boundaries regardless of whether Pupil A was a current or recent pupil.
- The panel noted that the relationship was consensual but given the imbalance in age and power the panel considered that having a sexual relationship with a current or recent pupil is a gross transgression of appropriate professional boundaries and an abuse of a position of trust.
- In relation to the denial of the conduct to the police, the panel noted that Mr Cocks must have been in a difficult and stressful situation but concluded that teachers have a duty to act with honesty and integrity. This is particularly the case when dealing with a formal police investigation. Mr Cocks did not do so and this is a serious matter which the panel considered is likely to impact adversely on the reputation of the profession.
- The panel considered that Mr Cocks' behaviour in relation to each of the allegations has brought himself and the profession into disrepute.

The panel did not consider that Mr Cocks' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

Accordingly, the panel was satisfied that Mr Cocks was guilty of unacceptable professional conduct and 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 protection of pupils; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Cocks, which involved a sexual relationship with a Pupil A, kissing Pupil C and a dishonest denial of these matters to the police, there was a strong public interest consideration in the following:

- In respect of the protection of pupils given the serious findings of a sexual relationship with Pupil A and having kissed Pupil C;
- Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cocks were 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 Cocks was outside that which could reasonably be tolerated.

The panel also considered the public interest in Mr Cocks remaining in the teaching profession but considered that given the gravity of the conduct found proven that the public interest factors set out above outweighed this interest.

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 Cocks. 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;
- abuse of position or trust;
- dishonesty;
- 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.

The panel has taken into account Mr Cocks' mitigation which included:

- His previous good character;
- At the material time when the conduct with Pupils A and C took place he was a newly qualified teacher;
- [Redacted] [in private]
- The unusual and stressful position Mr Cocks was in when he was arrested and interviewed under caution. Moreover, the concern expressed by Mr Cocks that in giving his account to the police he was worried about the consequences this might have on both his career and family life.

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 Cocks 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 Cocks. Significant in forming this opinion was that:

- Mr Cocks was involved in a sexual relationship with Pupil A and kissed Pupil C. This was a gross transgression of appropriate professional boundaries. In relation to Pupil A the conduct was not a single isolated incident but went on for a sustained period between June and September 2009;
- When interviewed by the police Mr Cocks lied and this was dishonest and lacking in integrity. Such conduct is unacceptable for a teacher;

- Although there has been no repetition of the conduct, the panel did not consider that Mr Cocks has shown adequate evidence of insight in his representations. The panel considered that despite his admissions Mr Cocks has sought to minimise his actions.

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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- Serious dishonesty;
- Serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

The panel considered that in having a sexual relationship with Pupil A, although consensual, this amounts to serious sexual misconduct. Mr Cocks was in a position of responsibility and ought not to have had a sexual relationship with Pupil A. Although there have been full admissions to the conduct alleged, the panel noted that when questioned by the police Mr Cocks denied the sexual relationship with Pupil A despite being aware of what had happened. This was dishonest and unacceptable for a teacher.

The panel has seen no evidence of adequate insight into the potential impact and effect of his past behaviour on pupils and the reputation of the profession.

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 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. In addition Mr Cocks has admitted the facts and admitted that those 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 James Cocks should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Cocks 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

The panel also found that the conduct of Mr Cocks fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of both serious sexual misconduct and dishonesty.

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 Cocks, 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, “given the imbalance in age and power the panel considered that having a sexual relationship with a current or recent pupil is a gross transgression of appropriate professional boundaries and an abuse of a position of trust.”

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, “The panel has seen no evidence of adequate insight into the potential impact and effect of his past behaviour on pupils and the reputation of the profession.”

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 well-being 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 that it, “considered 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 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 they behave”

I am particularly mindful of the finding of both serious sexual misconduct and 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 Cocks himself. The panel has commented on, “His previous good character” and that, “At the material time when the conduct with Pupils A and C took place he was a newly qualified teacher.”

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "Although there has been no repetition of the conduct, the panel did not consider that Mr Cocks has shown adequate evidence of insight in his representations. The panel considered that despite his admissions Mr Cocks has sought to minimise his actions."

I have also placed considerable weight on the finding of the panel that, "Mr Cocks was in a position of responsibility and ought not to have had a sexual relationship with Pupil A. Although there have been full admissions to the conduct alleged, the panel noted that when questioned by the police Mr Cocks denied the sexual relationship with Pupil A despite being aware of what had happened. This was dishonest and unacceptable for a teacher."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cocks 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 on Mr Cocks' behaviour and the advice published by the Secretary of State which sets out in relation to prohibition, that " These behaviours include:

- Serious dishonesty;
- Serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

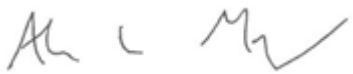
I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review period is necessary are, the dishonesty found, the serious sexual misconduct found and the lack of sufficient insight.

I consider therefore that allowing for a no review period is proportionate and reasonably necessary and required to satisfy the maintenance of public confidence in the profession and is proportionate and in the public interest.

This means that Mr James Cocks 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 allegations found proved against him, I have decided that Mr James Cocks 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 Cocks 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.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 28 January 2020

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