

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Mark Coupar

TA Case ref no: 7723

Date of Determination: 18 May 2012

Former Employer: Longdendale Community Language College,
Cheshire

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 18 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Mark Coupar.

The Panel members were Ms Sheba Joseph (Professional Panellist), Mr John Pemberton (Professional Panellist) and Mr Chris Keirnan (Lay Panellist – in the Chair).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Mr Mark Gordon. Mr Gordon was not present during the meeting.

Mr Coupar was not present and was not represented during the meeting.

Mr Coupar requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape-recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 20 March 2012.

It was alleged that Mr Coupar was guilty of unacceptable professional conduct, in that: whilst employed at Longdendale Community Language College, Cheshire between 1 September 1997 and 16 March 2010 he:

1. communicated inappropriately with students in that he:
 - a. communicated online via Facebook with Pupil A, a year 10 male student, on 8 June 2009;

- b. communicated online via Facebook and/or MSN with Pupil B, a year 10 male student, on 8 June 2009;
 - c. communicated online via MSN and/or Hotmail with Pupil A, a year 10 male student, in June 2009;
 - d. communicated online via Facebook with Pupil C, a male year 11 student, on 11 December 2008;
 - e. communicated online via MSN and webcam with Pupil D, a male year 11 student, on 9 May 2005
 - f. communicated via written correspondence in 1997 with a male year 11 student at Turton High School, Bolton, following a school trip to Germany;
2. failed to adhere to previous warnings issued on 22 October 1998, 10 May 2005 and 18 December 2008 by Ray Kirby and Brian Parker, Headteachers at Longendale Community Language College, concerning inappropriate contact with students;
3. had inappropriate material at his home in that he:
- a. stored a large number of photographs of students on his home computer;
 - b. had inappropriate material of a sexual nature at his home featuring males under the age of 18.

Mr Coupar admits all of the facts of the allegation and that those facts amount to unacceptable professional conduct

D. Summary of Evidence

Documents

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

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|----|-----------|--------------------------------|--------------------|
| 1. | Section 1 | Presenting Officer submissions | blue pages 1-2 |
| 2. | Section 2 | Notice of Referral and Hearing | orange pages 1-5 |
| 3. | Section 3 | Agreed Facts | yellow pages 1-3 |
| 4. | Section 4 | TA Documents | white pages 1- 405 |
| 5. | Section 5 | Teacher's Documents | green pages 1-42 |

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

F. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary

Mr Coupar had been employed as a teacher of modern languages at Longdendale Community Language College since September 1997. He went on to become a senior teacher with roles on the senior management team. In May 1997 Mr Coupar accompanied a school exchange visit to Germany. He began correspondence with a male pupil who had been part of that exchange. A complaint was made by the pupil's father which led to Mr Coupar being spoken to by the police.

In October 1998 Mr Coupar was spoken to by the school and warned about inappropriate communication with pupils. In May 2005 Mr Coupar was using email as a method for assisting a pupil with his coursework, but the communication became more conversational and he used a webcam to speak with that pupil. The pupil's father made a complaint regarding his communication and Mr Coupar was given a warning on 10 May 2005 by the school in relation to inappropriate communication with pupils.

In December 2008 Mr Coupar contacted a further pupil and communicated with him via Facebook. This became known to the school and on 18 December 2008 the school warned Mr Coupar once again regarding his communication with pupils – he was told that such communication must not happen again.

In June 2009 two pupils contacted Mr Coupar and he began communicating with them. Mr Coupar was arrested and interviewed by police on 20 October 2009. The police investigation involved a search of his home during which search a series of pornographic images were discovered on his personal computer. In addition, images of pupils from the school were also discovered – these were not of a sexual nature.

Mr Coupar was not subject to a criminal prosecution and Greater Manchester Police took no further action following its investigation. Mr Coupar was dismissed from his position at the school.

Findings of fact

The Panel considered the allegation set out in the Notice of Meeting dated 20 March 2012.

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1. communicated inappropriately with students in that he:
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 - b. communicated online via Facebook and/or MSN with Pupil B, a year 10 male student, on 8 June 2009;
 - c. communicated online via MSN and/or Hotmail with Pupil A, a year 10 male student, in June 2009;
 - d. communicated online via Facebook with Pupil C, a male year 11 student, on 11 December 2008;
 - e. communicated online via MSN and webcam with Pupil D, a male year 11 student, on 9 May 2005
 - f. communicated via written correspondence in 1997 with a male year 11 student at Turton High School, Bolton, following a school trip to Germany;
2. failed to adhere to previous warnings issued on 22 October 1998, 10 May 2005 and 18 December 2008 by Ray Kirby and Brian Parker, Headteachers at Longendale Community Language College, concerning inappropriate contact with students;
3. had inappropriate material at his home in that he:
 - a. stored a large number of photographs of students on his home computer;
 - b. had inappropriate material of a sexual nature at his home featuring males under the age of 18.

Our findings of fact are as follows:

Particulars 1 a – f

We have noted that Mr Coupar has admitted the facts of these particulars.

We have noted that he accepts that the communications which are particularised in the allegations did take place. We have also noted that he accepts that his communications as particularised in 1a - f are inappropriate.

We have considered the evidence contained within the bundle of documents which includes copies of various communications with the male students in particulars 1a to d.

We have considered the evidence of the admissions which Mr Coupar made to the school which relate to particulars 1e and f. We have noted that Mr Coupar was warned about the communications which form the basis of these two particulars. We find particulars 1e and f proven.

The communications are personal in nature and fail to maintain appropriate professional boundaries. We have decided that his communications with students was inappropriate.

We find each of the factual particulars proven.

Particular 2

We have noted that Mr Coupar admits that he failed to adhere to warnings given to him by Mr Parker and Mr Kirby Headteachers at the school regarding his inappropriate contact with students.

We have reviewed the three warnings which are referred to, copies of which are contained within the bundle of evidence. Despite these warnings, Mr Coupar continued to communicate on a personal level with a number of students, which we conclude evidences a failure to adhere to the clear warnings which were given to him.

We find the facts of this particular proven.

Particular 3

We note that Mr Coupar admits the facts of these particulars. He accepts that he had images of students on his home computer and that he had material of a sexual nature at his home. He admits that the material set out in particular 3a was inappropriate and that the material at his home was inappropriate.

We have considered the school's disciplinary investigation meeting minutes and the transcripts of police interviews undertaken with Mr Coupar following his arrest on 20 October 2009.

We find the facts of particular 3a proven.

We have carefully considered particular 3b and the admissions that have been made. We have carefully considered the evidence in relation to this particular. Whilst Mr Coupar has admitted the allegation, we are not satisfied that this particular is proven on the evidence made available to us. Evidence obtained during Mr Coupar's questioning by police in October 2009 was ambiguous and the nature of the material which forms the basis of the investigation and this case was not clear. We have not seen copies of the material in question. It is not suggested that the material is illegal. It is clear that Mr Coupar had pornography at his home in October 2009. However, we are concerned about the consistency of the evidence; are unable to assess the nature of the content of material which is the subject of this allegation; and there is not sufficient evidence available in the bundle to establish that the alleged material is sexual in nature or that it features males under the age of 18. Moreover, we note that no criminal prosecution was commenced by the police. For the reasons given above, we do not find particular 3b proven.

Findings as to Unacceptable Professional Conduct

We have noted that Mr Coupar accepts that his conduct amounts to unacceptable professional conduct.

Mr Coupar's actions have the potential to undermine public confidence in the standards expected of the profession. Teachers have a responsibility to act in a manner which upholds public trust and which ensures the maintenance of appropriate professional boundaries with students.

Mr Coupar repeatedly failed to maintain professional boundaries in his communications with students and former students and his behaviour continued despite repeated warnings about his communication. We have noted that, for instance, Mr Coupar communicated with a student by a webcam at 10 o'clock at night. Such actions show a lack of understanding of the need to maintain appropriate professional boundaries.

Mr Coupar inappropriately stored photographs of students on his home computer. He accepts that his computer was accessible by other individuals without control and we are concerned that such actions had the potential to place students at risk.

We are concerned about Mr Coupar's actions both in terms of the individual acts we have found proven as well as in relation to the pattern of his communication; his pattern of conduct; and the fact that his conduct continued despite warnings.

Accordingly, on the basis of the facts we have found proven, we find that Mr Coupar's conduct amounts to unacceptable professional conduct.

Secretary of State's Decision and Reasons

I have carefully considered the panel's recommendation. I note that the panel found the facts of the case proven in all elements except for the particular 3b. I note that the panel also found that when taken together, all of the allegations found proven amount to unacceptable professional conduct.

I turn then to the recommendation of the panel in respect of sanction. I have carefully considered the panel's comments and recommendation. Although the panel have observed that Mr Coupar's case was referred to the Independent Safeguarding Authority, I note that the Independent Safeguarding Authority did not take action to bar him. The ISA and the Teaching Agency are considering different tests.

The Teaching Agency must consider whether Mr Coupar's behaviour amounts to unacceptable professional conduct. The panel has found that and I have considered their recommendation for prohibition on the basis of that finding.

I agree with the panel's recommendation that Mr Coupar should be prohibited.

I turn next to the matter of review. Mr Coupar's behaviour has been repeated and is a serious departure from the standards of conduct expected. Mr Coupar also received many warnings about his behaviour but did not change his behaviours. I support the recommendation that there be no review period.

This means that Mr Mark Coupar 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 Mark Coupar 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 Coupar 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.

Alan Meyrick

Deputy Director Teacher Regulation

21 May 2012