



National College for  
Teaching & Leadership

# **Mr Paul Coxon: Professional conduct panel outcome**

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

**December 2016**

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

**Teacher:** Mr Paul Coxon

**Teacher ref number:** 9843853

**Teacher date of birth:** 16 October 1963

**NCTL case reference:** 12856

**Date of determination:** 2 December 2016

**Former employer:** Thornhill School, Sunderland

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened from 25 November 2016 to 2 December 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Paul Coxon.

The panel members were Ms Fiona Tankard (teacher panellist – in the chair), Ms Margaret Windsor (teacher panellist) and Mr John Elliott (lay panellist).

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

The presenting officer for the National College was Mr Scott Ivill of 2 Hare Court Chambers, instructed by Nabarro Solicitors.

Mr Paul Coxon was present and was represented by Mr Ben Amunwa of Counsel.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 20 January 2016.

It was alleged that Mr Paul Coxon was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Thornhill School:

1. On an unknown date or dates between 2001 and 2002, he crossed professional boundaries in that in relation to Pupil B he inappropriately:
  - a. asked Pupil B whether she was still a virgin;
  - b. gestured to his penis and stated to Pupil B:
    - i. "While you're down there" or words to that effect;
    - ii. "Come and sit on it" or words to that effect;
  - c. hugged Pupil B on one or more occasions;
  - d. put his hand on Pupil B's bottom on one or more occasions;
2. On 9 April 2002, he crossed professional boundaries in that in relation to Pupil B he inappropriately:
  - a. looked at Pupil B's chest and said "oh I like that", or words to that effect;
  - b. stated to Pupil B:
    - i. "The things I want to do to you, you wouldn't believe", or words to that effect;
    - ii. "You'd do better across the table with my dick inside you", or words to that effect;
    - iii. "I bet you are good at sucking things", or words to that effect when Pupil B was sucking a lollipop;
3. In or around 2002 he crossed professional boundaries in that in relation to Pupil A he inappropriately:
  - a. touched Pupil A on the leg on one or more occasions;
  - b. touched Pupil A through her clothing, on one or more occasions, on the:
    - i. breast(s),

- ii. vaginal area,
    - iii. bottom,
  - c. kissed Pupil A, on one or more occasions on her:
    - i. neck,
    - ii. ear(s),
  - d. put his arms around Pupil A whilst she was sitting at the computer, on one or more occasions;
  - e. stated to Pupil A, "I want to be the first one to have sex with you", or words to that effect;
  - f. stated to Pupil A "Here's a question. Do you do oral sex?", or words to that effect;
- 4. On 9 March 2009, he crossed professional boundaries in that in relation to Pupil D he inappropriately:
  - a. instructed Pupil D to turn around when she asked a question about the work he had set;
  - b. lifted Pupil D off the floor, holding his arms across her chest, and squeezing her, when:
    - i. he did not have her permission to do so;
    - ii. he knew or ought to have known that his actions would make Pupil D feel uncomfortable;
  - c. responded to Pupil D's question about where to put the long wooden cylinder tube with words to the effect, "Turn around and I'll show you", or words to that effect;
- 5. On 9 October 2012, in relation to Pupil E he inappropriately stated "by the size of him, he would have fallen through the bump", or words to that effect;
- 6. His conduct as described at paragraphs 1 and/or 2 and/or 3 and/or 4 above was sexually motivated.

At the start of the hearing Mr Coxon admitted the factual particulars at paragraph 4(b). He further partially admitted the factual particulars at 4(a) and 4(c) in that he admitted the facts of the events in question but denied that such admitted conduct amounted to the crossing of professional boundaries and that the admitted conduct was inappropriate.

All other factual particulars were denied.

Mr Coxon further denied the overall allegations that he was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

At the start of the hearing the presenting officer applied to withdraw factual particulars 3(c)(i) and 3(c)(ii). This application was granted and therefore these factual particulars were withdrawn from consideration.

The presenting officer also applied to admit the oral recording of Pupil A's evidence that was provided at the previously listed substantive hearing. The teacher's representative opposed this application. The panel was content that listening to the recording of Pupil A's evidence from the earlier hearing would benefit the panel as Pupil A would not be attending this hearing to give evidence. The panel were further satisfied that no prejudice would be caused to Mr Coxon by such an approach and that the evidence was clearly relevant to the issues in dispute. The panel therefore allowed the presenting officer's application for the oral recording of Pupil A's evidence to be admitted in evidence and listened to by the panel.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and response and re-list letter – pages 6 to 18

Section 3: NCTL witness statements – pages 20 to 40

Section 4: Transcripts from previous hearing – pages 42 to 220

Section 5: NCTL documents – pages 223 to 318

Section 6: Teacher documents – pages 320 to 372.

The panel members confirmed that they had read all of the documents in advance of the hearing. In advance of the decision making stage the panel also read written closing submissions provided by Mr Amunwa on behalf of Mr Coxon.

## Witnesses

The panel heard oral evidence from:

1. Pupil C – a pupil at Thornhill School at the relevant time – called by the presenting officer by way of Skype video link.
2. Pupil A – a pupil at Thornhill School at the relevant time - by way of recording of evidence given at the earlier substantive hearing of the case – called by the presenting officer.
3. Pupil F – a pupil at Thornhill School at the relevant time – called by the presenting officer by way of Skype video link.
4. Pupil D - a pupil at Thornhill School at the relevant time - by way of recording of evidence given at the earlier substantive hearing of the case – called by the presenting officer.
5. Pupil B – a pupil at Thornhill School at the relevant time – called by the presenting officer by way of Skype video link.
6. The teacher Mr Coxon.

## E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

This case involves numerous allegations of inappropriate comments and contact with pupils in their teens, mostly of a sexually motivated nature. It was alleged that in relation to three pupils the teacher crossed proper professional boundaries which included physical touching in intimate and other areas and sexually motivated comments such as, for example, "You'd do better across the table with my dick inside you". An inappropriate but not sexually motivated comment was allegedly made to a further pupil.

## Findings of fact

Our findings of fact are as follows:

We have carefully considered all of the evidence that we have heard and read.

We state at the outset that, in general terms we found pupil B to be a convincing and reliable witness. The vast majority of the allegations that have been put forward were reported by her when she first reported her concerns in April 2002. Her evidence has remained clear, plausible and consistent over the intervening period and during her tested evidence this week. She has, in our view, a clear and good memory of the events in question. She was not diverted under cross-examination, remaining powerfully consistent on all of the important issues.

Similarly, we found Pupil A to be a convincing and reliable witness who was generally consistent on the key issues when she reported matters to Individual A, the police, and then described matters again in her statement and later in oral evidence. We found it very helpful to listen to her evidence at the earlier aborted hearing. She was compelling to listen to. She maintained her position on all of the key issues throughout despite robust cross-examination. We accept that there were some inconsistencies in her account, in particular in her initial account to her friend that Mr Coxon had attempted to kiss her. However, we accepted her explanation for this. The inconsistencies were not such as to outweigh the reliability of her other evidence. In our view she remained powerfully consistent throughout.

We noted the similarities in the behaviour of Mr Coxon described by both Pupil B and Pupil A.

By contrast, we found Mr Coxon to be unreliable and inconsistent when providing his evidence. There was, in particular, an inconsistency between his descriptions of his style of teaching within his own evidence. For example, he said he was not a tactile teacher but then gave examples of where he routinely physically moved pupils out of the way by touching their shoulders. Initially he denied swearing but then agreed that he probably did swear on occasions. He did not appear to be able to accept the level of licence that he was described as having given to pupils. We found his failure to accept that he made some inappropriate comments to pupils and his description of himself as tactile but in a non-inappropriate way implausible when considered alongside other evidence given. These factors were at the core of our forming the view that he was an unreliable witness.



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

- 1. On an unknown date or dates between 2001 and 2002, you crossed professional boundaries in that in relation to Pupil B you inappropriately:**
  - a. asked Pupil B whether she was still a virgin;**
  - b. gestured to your penis and stated to Pupil B:**
    - i. "While you're down there" or words to that effect;**
    - ii. "Come and sit on it" or words to that effect;**
  - c. hugged Pupil B on one or more occasions;**
  - d. put your hand on Pupil B's bottom on one or more occasions;**
- 2. On 9 April 2002, you crossed professional boundaries in that in relation to Pupil B you inappropriately:**
  - a. looked at Pupil B's chest and said "oh I like that", or words to that effect;**
  - b. stated to Pupil B:**
    - i. "The things I want to do to you, you wouldn't believe", or words to that effect;**
    - ii. "You'd do better across the table with my dick inside you", or words to that effect;**
    - iii. "I bet you are good at sucking things", or words to that effect when Pupil B was sucking a lollipop;**

All of the above factual allegations relate to Pupil B. We have very carefully considered each of them separately and find all of them proved. As stated above, we found Pupil B to be an entirely reliable witness who described all of the above incidents clearly and consistently both when first reporting matters and in evidence to the panel both when examined in chief and when cross-examined. We were able to assess her reliability and credibility at length and accepted in full what she said and the incidents she has described. Each and every comment or action amounted to inappropriate behaviour towards a teenage pupil which clearly crossed proper professional boundaries in a teacher/pupil relationship.

- 3. In or around 2002 you crossed professional boundaries in that in relation to Pupil A you inappropriately:**
- a. touched Pupil A on the leg on one or more occasions;**
  - b. touched Pupil A through her clothing, on one or more occasions, on the:**
    - i. breast(s),**
    - ii. vaginal area,**
    - iii. bottom,**
  - d. put your arms around Pupil A whilst she was sitting at the computer, on one or more occasions;**
  - e. stated to Pupil A, "I want to be the first one to have sex with you", or words to that effect;**
  - f. stated to Pupil A "Here's a question. Do you do oral sex?", or words to that effect;**

All of the above factual allegations relate to Pupil A. We have very carefully considered each of them separately and find all of them proved. As stated above we found Pupil A to be an entirely reliable witness who described all of the above incidents clearly and consistently both when first reporting matters and in evidence at the aborted earlier hearing, both when examined in chief and when cross-examined. We were able to assess and have accepted in full what she said and the incidents she has described. Each and every comment or action amounted to inappropriate behaviour towards a teenage pupil which clearly crossed proper professional boundaries in a teacher/pupil relationship.

- 4. On 9 March 2009, you crossed professional boundaries in that in relation to Pupil D you inappropriately:**
- a. instructed Pupil D to turn around when she asked a question about the work you had set,**
  - b. lifted Pupil D off the floor, holding your arms across her chest, and squeezing her, when:**
    - i. you did not have her permission to do so,**
    - ii. you knew or ought to have known that his actions would make Pupil D feel uncomfortable,**

**c. responded to Pupil D's question about where to put the long wooden cylinder tube with words to the effect, "Turn around and I'll show you", or words to that effect;**

Mr Coxon accepted the facts of these allegations at the start of the hearing. He further accepted that lifting Pupil D off the floor in the way described crossed proper professional boundaries. We therefore find the allegations proved to that extent. From the evidence that we have heard we are not satisfied that Mr Coxon's comments (as detailed at 4(a) and 4(c)) had any sort of intended sexual overtone and on that basis therefore crossed professional boundaries or were inappropriate as alleged. We form this view as Pupil D's evidence that his sarcasm and look at the time were indicative of such context was not tested under cross-examination.

The panel therefore finds that allegation 4(b) is proved and that allegations 4(a) and 4(c) are not proved.

**5. On 9 October 2012, in relation to Pupil E you inappropriately stated "by the size of him, he would have fallen through the bump", or words to that effect;**

We find, on the basis of Pupil F's evidence, which was strongly tested under cross-examination, that this was said. This was an inappropriate remark because it was mocking and humiliating of Pupil E to his classmates

**6. Your conduct as described at paragraphs 1 and/or 2 and/or 3 and/or 4 above was sexually motivated.**

We find that Mr Coxon's behaviour at 1, 2 and 3 was sexually motivated. The facts speak for themselves. The facts involved sexual comments to, and inappropriate and unwarranted touching of, pupils including of their intimate areas.

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

Having found a number 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 Paul Coxon in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Paul Coxon 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 is satisfied that the conduct of Mr Coxon fell significantly short of the standards expected of the profession.

Mr Coxon repeatedly made sexually motivated and inappropriate comments to two pupils. His behaviour was on several occasions offensive, for example when he said to Pupil B that she would be "better across the table with my dick inside you". The above is just one example of several instances of such seriously inappropriate and sexually motivated comments. Furthermore, he touched pupils on intimate areas on numerous occasions. As stated above there was additional inappropriate contact with and comment about other pupils.

Accordingly, the panel is satisfied that Mr Coxon is guilty of 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.

The panel therefore also finds that Mr Coxon's actions constitute conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 protection of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

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

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 Coxon.

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 Coxon. 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;
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- A deep-seated attitude that leads to harmful behaviour;
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- Sexual misconduct, e.g. 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;

Even though there were behaviours that would point to a prohibition order's being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order's being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. There was no such mitigation other than the fact that Mr Coxon has a previously good record.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Coxon. The proved facts are so serious that no other outcome would sufficiently protect pupils or the public interest.

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 for them to decide 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's being recommended. These behaviours include serious sexual misconduct, e.g. 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 their professional position to influence or exploit a person.

The panel felt 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 provisions 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 recommendations made by the panel both in respect of sanction and review period. The panel has found a number of the allegations proven. The allegations that have not been found proven I have set from my mind.

The panel has found Mr Coxon guilty of unacceptable professional conduct and conduct that is likely to bring the profession into disrepute.

I have noted that the panel is satisfied that Mr Coxon's conduct in relation to the facts found proven, involved breaches of the Teachers' Standards, in particular:

- 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.

I am satisfied that Mr Coxon's conduct fell significantly short of the standards expected of the profession.

Mr Coxon repeatedly made sexually motivated and inappropriate comments to two pupils. His behaviour was on several occasions offensive, and he touched pupils on intimate areas on numerous occasions. I note the panel found there was additional inappropriate contact with and comment about other pupils.

I note 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 protection of pupils; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

I agree with the panel that 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.

I have read the guidance that is published by the Secretary of State and taken that into account. I have also taken into account the need to be proportionate. I have also taken into account the public interest as well as the interests of Mr Coxon.

Having taken all those factors into account and having considered the panel's recommendation to me, I support the recommendation that Mr Coxon should be subject to a prohibition order. I agree with the panel's view that the proved facts are so serious that no other outcome would sufficiently protect pupils or the public interest.

I now turn to the matter of a review period.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. 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 their professional position to influence or exploit a person.

In the circumstances, and for the reasons set out, I support the panel's recommendation that there should be no review period.

**This means that Mr Paul Coxon 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 Coxon 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 Coxon 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.

Al C M

**Decision maker: Alan Meyrick**

**Date: 5 December 2016**

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