



Teaching
Regulation
Agency

Mr Kevin Cooper: Professional conduct panel outcome

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

April 2018

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

Teacher: Mr Kevin Cooper

Teacher ref number: 9337687

Teacher date of birth: 16 February 1971

TRA reference: 15444

Date of determination: 5 April 2018

Former employer: St James School, Grimsby

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 4 – 5 April 2018 at 53 – 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Kevin Cooper.

The panel members were Ms Alison Feist (former teacher panellist – in the chair), Mr Maurice McBride (lay panellist) and Mrs Alison Robb-Webb (teacher panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Cooper was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 30 January 2018.

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

1. In or around 2016 he developed and/or engaged in an inappropriate relationship with Pupil A, including by:
 - a. connecting and/or communicating with Pupil A via social media and/or text message
 - b. attending a park with Pupil A
 - c. in or around May 2016, sleeping in the same bed as Pupil A
 - d. in or around May 2016, going to London with Pupil A
 - e. visiting restaurants with Pupil A on one or more occasions
 - f. in or around March 2016, visiting Pupil A in [redacted] on his own
 - g. on or around 2 July 2016, going to [redacted] with Pupil A
2. His behaviour towards Pupil A as may be found proven at 1 above was sexually motivated.
3. He failed to comply with the terms of his suspension issued on 5 July 2016, in that:
 - a. on or around 25 August 2016, he met with Individual X
 - b. in or around October 2016, he met Pupil A on one or more occasions

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

4. He was convicted on 7 July 2015 for Assault on 22 May 2015 under the Criminal Justice Act 1988 s.39 and ordered to pay a fine of £400, costs of £85, a victim surcharge of £40 and the criminal courts charge of £150.

Mr Cooper admitted the facts of allegation 1 and 3. However Mr Cooper denies that allegations 1.b., and 1.f. amount to an inappropriate relationship with Pupil A. In relation to allegation 3, Mr Cooper states that he did not agree the terms of his suspension.

In relation to allegation 4, Mr Cooper denies that the offence should be considered as a relevant offence for the purpose of the Agency's proceedings.

Mr Cooper denies allegation 2 in its entirety.

Mr Cooper accepts that the admitted facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Cooper.

The panel was satisfied that the Agency complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel noted that the teacher responded to the Notice of Proceedings and indicated he would not attend. The panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There was no indication that an adjournment might result in the teacher attending the hearing and the teacher confirmed he would not make an application to adjourn the hearing.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of written representations made by the teacher and is able to ascertain the lines of defence. The panel noted it is able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher is of prime importance. However, it

considered that in light of the teacher's waiver of his right to appear; that on balance, these were serious allegations, and the public interest was in favour of this hearing continuing today.

The panel saw evidence that the teacher requested that the school name be anonymised in the hearing.

The panel noted that paragraph 4.60 of the Procedures allows the panel, if it considers it to be in the interests of justice, to decide that the name and identity of a school will not be disclosed during the hearing or at all.

The panel has taken into account the general rule that matters pertaining to these hearings should be held in public and took account of case law that states: "It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public's confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties' or witnesses' identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely".

The panel had regard to whether anonymity of the school was required. The panel also had regard to the principle that limited interference with the public nature of the proceedings is preferable to a permanent exclusion of the public.

The panel has decided that, in the circumstances of this case, it is not appropriate to anonymise the name of the school. The panel considered that there were no compelling reasons provided by the teacher which would justify a departure from the general rule.

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 1 to 4

Section 2: Notice of Proceedings, response and Statement of Agreed Facts – pages 5 to 19

Section 3: Teaching Regulation Agency documents – pages 20 to 305

Section 4: Teacher documents – pages 306 to 309

In addition, the panel agreed to accept the following:

Teaching Regulation Agency application form – pages 310 to 319

Email correspondence with Mr Cooper – pages 320 to 322

The panel members confirmed that they had read all of the documents in advance of the hearing, including those documents subsequently admitted.

Witnesses

The panel did not hear oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

Mr Cooper had been employed at the school as a boarding house master and teacher of geography and information technology from September 2009. It is alleged that Mr Cooper developed an inappropriate relationship with a pupil at the school in 2016 which involved exchanging messages by phone and on social media, and meeting outside the school in a number of different settings. This included staying overnight in a hotel room together and visiting restaurants. It is alleged that this behaviour was sexually motivated.

Following these allegations, Mr Cooper was suspended from the school in July 2016. It is alleged that Mr Cooper contacted both Pupil A and a colleague at the school, contrary to the terms of his suspension.

It is further alleged that Mr Cooper has been convicted of a relevant criminal offence, namely assault.

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:

1. In or around 2016 you developed and/or engaged in an inappropriate relationship with Pupil A, including by:

a. connecting and/or communicating with Pupil A via social media and/or text message

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018.

The panel went on to consider documentary evidence of Pupil A and Mr Cooper being “friends” on Facebook, and evidence of [redacted].

The panel had regard to the school's policy on social media which instructed teachers to "never use or access social networking sites of pupils and do not use internet or web-based communication channels to send personal messages to pupils."

The panel went on to consider evidence that Mr Cooper had received safeguarding training at the school in 2011 and 2014.

The panel found allegation 1.a. proven on the balance of probabilities.

b. attending a park with Pupil A

This allegation was admitted in part by the teacher in the agreed statement of facts dated 26 January 2018. Mr Cooper admitted being in the park but denied that this amounted to an inappropriate relationship as he was there as part of a timetabled small group after school activity which only Pupil A had happened to attend.

The panel gave weight to the evidence of Individual X, a teacher colleague of Mr Cooper, that he saw Mr Cooper in the park with Pupil A. Individual X commented that, "it's not unusual to be with a pupil in that situation but... a little flag goes off."

The panel considered the documentary evidence and in particular, Mr Cooper's own evidence in which he stated, "my intention was always to remain utterly professional – once it became clear that she felt as strongly for me as I did for her, I harboured the hope that after leaving the school, we might enter a romantic relationship".

The panel found that Mr Cooper did attend a park with Pupil A and in light of the wider documentary evidence considered that this did amount to developing and/or engaging in an inappropriate relationship with Pupil A. The panel therefore found allegation 1.b. proven on the balance of probabilities.

c. in or around May 2016, sleeping in the same bed as Pupil A

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018.

The panel went on to consider the documentary evidence of Pupil A's interview with a duty social worker after Mr Cooper and Pupil A were found by police, parked in a layby in the early morning. Pupil A stated that she had stayed with Mr Cooper in a hotel room in London for three nights, and there had not been any sexual contact.

The panel found allegation 1.c. proven on the balance of probabilities.

d. in or around May 2016, going to London with Pupil A

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018.

The panel went on to consider the documentary evidence of Pupil A's interview with a duty social worker after Mr Cooper and Pupil A were found by police, parked in a layby in the early morning. Pupil A stated that she had gone with Mr Cooper to London for three nights.

The panel found allegation 1.d. proven on the balance of probabilities.

e. visiting restaurants with Pupil A on one or more occasions

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018.

The panel noted that Mr Cooper suggested that at least one of these visits took place after he had resigned from the school. The panel carefully considered the evidence and found that at least some of the visits took place before Mr Cooper was dismissed from the school.

The panel had regard to documentary evidence of Facebook posts [redacted] by Pupil A in which she identified a number of restaurants she was eating in with Mr Cooper.

The panel found allegation 1.e. proven on the balance of probabilities.

f. in or around March 2016, visiting Pupil A in [redacted] on your own

This allegation was admitted in part by the teacher in the agreed statement of facts dated 26 January 2018, in that he admitted visiting Pupil A but denied that this amounted to an inappropriate relationship as he was her head of year.

The panel carefully considered the school's policies in relation to contact with pupils outside school activities and noted that they were clear in stating, "you should avoid unnecessary contact with pupils outside of school. You should not make arrangements to meet pupils individually or in groups outside school other than on school trips authorised by the head," and, "never engage in secretive social contact with pupils...". The panel found there was no evidence that Mr Cooper attempted to notify the school of his intention to visit Pupil A in [redacted].

The panel found allegation 1.f. proven on the balance of probabilities.

g. on or around 2 July 2016, going to [redacted] with Pupil A

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018.

The panel went on to consider the documentary evidence of Pupil A's interview with a duty social worker after Mr Cooper and Pupil A were found by police, parked in a layby in the early morning. Pupil A confirmed that she had been out to [redacted] with Mr Cooper for the day, and Mr Cooper stated they had stopped in the layby so that he could rest.

The panel found allegation 1.g. proven on the balance of probabilities.

2. Your behaviour towards Pupil A as may be found proven at 1 above was sexually motivated

Having found allegation 1 proven, the panel went on to consider whether Mr Cooper's behaviour was sexually motivated.

As with all findings of fact, the panel considered this question applying the balance of probabilities. The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose in such words and actions were sexual.

The panel considered whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case.

The panel noted that Mr Cooper denied this allegation. The panel went on to consider Mr Cooper's statement in which he said, "we developed strong feelings for each other over a period of many months. My intention was always to remain utterly professional – once it became clear that she felt as strongly for me as I did for her, I harboured the hope that after leaving school, we might enter a romantic relationship."

The panel also placed weight on the written evidence of Individual X who stated that on meeting Mr Cooper following his suspension, Mr Cooper made comments about his relationship with Pupil A which caused Individual X to suspect that, "he had indeed been involved in some kind of relationship with the student & [sic] there were several signs that this relationship might be continuing or at the very least that he had the intention of continuing to pursue a relationship with the girl."

The panel was unable to reconcile Mr Cooper's denial that he was sexually motivated with his actions found proven at allegation 1, in particular staying with Pupil A in [redacted].

The panel therefore found allegation 2 proven on the balance of probabilities.

3. You failed to comply with the terms of your suspension issued on 5 July 2016, in that:

a. on or around 25 August 2016, you met with Individual X

b. in or around October 2016, you met Pupil A on one or more occasions

This allegation was admitted by the teacher in the agreed statement of facts dated 26 January 2018, although he stated that the terms of his suspension were inappropriate and he had not agreed to them.

The panel had regard to the suspension letter sent by the school to Mr Cooper on 5 July 2016 which stated that, “during this period of suspension you must not have any contact with any pupils or parents. We also do not expect you to make contact with staff members...”. In light of the serious nature of the allegations, the panel considered the terms of Mr Cooper’s suspension to be reasonable, and in line with usual practice in schools.

The panel saw evidence from Individual X that he had met with Mr Cooper after his suspension.

The panel also had regard to evidence from Pupil A’s Facebook page in which she [redacted].

The panel further noted that the bursar at the school had seen Pupil A in Mr Cooper’s car whilst he was driving, during October 2016.

The panel found allegations 3.a. and 3.b. proven on the balance of probabilities.

4. You were convicted on 7 July 2015 for Assault on 22 May 2015 under the Criminal Justice Act 1988 s.39 and ordered to pay a fine of £400, costs of £85, a victim surcharge of £40 and the criminal courts charge of £150.

The panel had regard to evidence that Mr Cooper was convicted of assault on 7 July 2015. The panel noted that the assault caused injury to an individual.

The panel noted Mr Cooper’s assertion that this conviction was not relevant to these proceedings and had no connection to the allegations involving Pupil A and the school.

However, the panel went on to consider the Advice and found this conviction to be a relevant offence in that it involved violence against an individual. The panel also noted that the offence was carried out in the vicinity of another individual who was under the age of 18.

The panel therefore found allegation 4 proven on the balance of probabilities.

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 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 Cooper in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Cooper 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel is satisfied that the conduct of Mr Cooper fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Cooper's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that the offence of sexual activity is relevant as Mr Cooper's conduct was sexually motivated.

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 notes that the allegations took place outside of the education setting. The panel found that by pursuing an inappropriate relationship with Pupil A, Mr Cooper risked seriously harming her wellbeing, and ongoing education.

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 extremely 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 had regard to Mr Cooper's acceptance that the admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel therefore finds that Mr Cooper's actions constitute unacceptable professional conduct and conduct that may bring the profession into disrepute.

In relation to his conviction, the panel noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils or members of the public.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Cooper'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 noted that the teacher's behaviour did not lead to a sentence of imprisonment which is indicative that the offence was at the less serious end of the possible spectrum. However, this is a case involving the offence of violence, which the Advice states is likely to be considered a relevant offence.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher'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 a 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 a 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 protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Mr Cooper involved him pursuing an inappropriate relationship with a pupil over a period of months, and persisting in this course of action despite an ongoing investigation into his behaviour. There is therefore a strong public interest consideration in respect of the protection of pupils, given the serious findings of this inappropriate relationship.

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

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

In view of 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 Cooper.

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 Cooper. 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
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- 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 the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of the imposition of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

The panel found that there was no evidence that the teacher's actions were not deliberate. There was also no evidence to suggest that the teacher was acting under duress, and in fact, the panel found the teacher's actions to be calculated, motivated and persisted over a period of several months.

The teacher did have a previously good history. The panel has seen evidence from Mr Cooper's family in relation to the conviction and had regard to the evidence that Mr Cooper was of previously good character and fully cooperated with the police investigation. The panel also saw evidence from Individual X that Mr Cooper was an effective classroom teacher prior to the allegations involving Pupil A.

The panel noted Mr Cooper's comment that his previous conviction was not relevant to these proceedings. The panel considered this demonstrated Mr Cooper's lack of understanding of the Teachers' Standards and therefore his professional obligations as a teacher.

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 the teacher 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 the interests of Mr Cooper. The lack of insight shown by Mr Cooper into the potential impact of his actions on Pupil A and the conviction for a violent offence were significant factors 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 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 being recommended. These behaviours include violence and 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 or persons. The panel has found that Mr Cooper was sexually motivated in his pursuit of an inappropriate relationship with a pupil, and as such this was serious sexual misconduct. In a separate incident, Mr Cooper was convicted of assault.

The panel placed weight on the comments made by Mr Cooper in written representations to the panel in which he stated, "I admit to having formed an inappropriate relationship with a sixth form pupil as per the allegations. Inappropriate in the sense that as her teacher it was an abuse of trust/responsibility. In no other way was it inappropriate. If Pupil A had been in a different 6th form there would be no case to answer." The panel found these comments, and others made by Mr Cooper, demonstrated a significant lack of insight into his actions in pursuing an inappropriate relationship with Pupil A and the impact of his behaviour on her.

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 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 sanction and review period.

In considering this case, I have also given very careful attention to the Advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and a conviction of a relevant offence. The panel has made a recommendation to the Secretary of State that Mr Cooper should be the subject of a prohibition order, with no review period.

In particular, the panel has found that Mr Cooper 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel finds that the conduct of Mr Cooper fell significantly short of the standards expected of the profession.

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

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 or not 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 Cooper, and the impact that will have on him, is proportionate.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed “findings against Mr Cooper involved him pursuing an inappropriate relationship with a pupil over a period of months, and persisting in this course of action despite an ongoing investigation into his behaviour. There is therefore a strong public interest consideration in respect of the protection of pupils, given the serious findings of this inappropriate relationship.” A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel, when considering prohibition as appropriate, sets out as follows, “The lack of insight shown by Mr Cooper into the potential impact of his actions on Pupil A and the conviction for a violent offence were significant factors in forming that opinion.” The panel has also noted Mr Cooper’s comment, “that his previous conviction was not relevant to these proceedings. The panel considered this demonstrated Mr Cooper’s lack of understanding of the Teachers’ Standards and therefore his professional obligations as a teacher.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this risks the safeguarding of pupils in the future and the potential to bring the profession into disrepute. 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 public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cooper were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of sexual misconduct 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 failure to impose a prohibition order might be regarded by the public 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 Cooper himself. The panel saw evidence from Individual X that, “Mr Cooper was an effective classroom teacher prior to the allegations involving Pupil A.”

A prohibition order would prevent Mr Cooper from continuing in the teaching profession. A prohibition order 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, “Mr Cooper, demonstrated a significant lack of insight into his actions in pursuing an inappropriate relationship with Pupil A and the impact of his behaviour on her.”

I have also placed considerable weight on the finding of the panel that there was, “no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher’s actions to be calculated, motivated and persisted over a period of several months.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cooper has made and is making 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 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case, the panel has recommended no review period.

I have considered the panel’s comments “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 provision for a review period.”

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and 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 or persons. The panel has found that, “Mr Cooper was sexually motivated in his pursuit of an inappropriate relationship with a pupil, and as such this was serious sexual misconduct. In a separate incident, Mr Cooper was convicted of assault.”

I have considered whether no 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, there are two factors that in my view mean that a 2-year, or longer, review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct found and the lack of either insight or remorse.

I consider therefore that no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Kevin Cooper 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 Cooper 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 Cooper 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 black ink, appearing to read 'Dawn Dandy', with a stylized, cursive script.

Decision maker: Dawn Dandy

Date: 13 April 2018

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