



Teaching  
Regulation  
Agency

# **Mr Edward Cox: Professional conduct panel meeting outcome**

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

**December 2019**

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

<b>Teacher:</b>	Mr Edward Cox
<b>Teacher ref number:</b>	1718088
<b>Teacher date of birth:</b>	21 June 1986
<b>TRA reference:</b>	18229
<b>Date of determination:</b>	6 December 2019
<b>Former employer:</b>	Redhill School, Stourbridge, West Midlands

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 December 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Edward Cox.

The panel members were Professor Ian Hughes (lay panellist – in the chair), Mrs Ann Walker (former teacher panellist) and Dr Robert Cawley (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP 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 Edward Cox that the allegations be considered without a hearing. Mr Cox 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 Cox or his representative.

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

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 15 November 2019.

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

Whilst employed as Cross Curricular Coordinator of ICT and/or Head of Computing Science and/or Business at Redhill School between 1 September 2015 and 28 February 2019:

1. In the academic year 2018/2019, in respect of Year 11 iMedia Cambridge National examination coursework, he:

- a. submitted one or more pieces of work to the exam. board as if it had been produced solely by a pupil, when he knew that was not the case;
- b. submitted grades/marks for one or more pupils to the exam. board which he knew would not reflect, and/or did not reasonably believe would reflect, the grade/mark the pupil would have received for their own unaided work;

2. His conduct as may be found proven at 1 above lacked integrity and/or was dishonest.

Mr Cox admitted the alleged facts and admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 2 to 3

Section 2: Notice of Referral, Response and Notice of Meeting– pages 5 to 12

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 14 to 19

Section 4: Teaching Regulation Agency documents – pages 21 to 298

Section 5: Teacher documents – pages 300 to 309

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

## **Statement of agreed facts**

The panel considered a Statement of Agreed Facts which was signed by Mr Cox on 8 July 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 Cox 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.

Mr Edward Cox was employed as Cross Curricular Coordinator of ICT and/or Head of Computing Science and/or Business at Redhill School ("the School") between 1 September 2015 and 28 February 2019.

On 1 February 2019, the School received a letter from OCR regarding suspected examination malpractice in the Year 11 iMedia Cambridge National examination assessments.

On 4 February 2019, a meeting was held at the School between the senior leadership staff and Mr Cox on to discuss the letter from OCR. During this meeting, Mr Cox made no admissions. However, after the meeting, Mr Cox emailed the headteacher to request another meeting on 5 February 2019.

On 5 February 2019, Mr Cox began making admissions regarding his maladministration of the assessments. After seeking advice, the headteacher terminated the meeting as Mr Cox was becoming upset and the headteacher arranged a preliminary interview with Mr Cox for the following day.

On 6 February 2019, at the preliminary interview, Mr Cox stated that he had amended samples of pupils' coursework and then submitted the same to the examination board for moderation for two Year 11 modules, namely R082 Creating Digital Graphics and R087 Creating Interactive Products. Mr Cox also stated that, after collecting the work from the pupils in or around December 2018, it was clear to him that the work was not of the standard that it should be. Mr Cox stated that, as a result, he set about creating samples to submit to the examination board, having estimated how many samples might be

requested and from which pupils. He said that he created samples that were 'a mix of student work and [his] own work', with the pupil's name at the top of the work piece.

When samples were requested from OCR for moderation, Mr Cox said that he submitted a total of 30 pieces of work (15 for each module). Mr Cox also stated that he submitted grades/ marks to the examination board for one or more pupils which 'may not have' reflected the pupils' actual ability as these were 'more in line with [the pupils'] targets than their work'.

The headteacher prepared a report of the School's investigation and shared the same with the Joint Council of Qualifications ('JCQ') on 12 February 2019.

On 28 February 2019, Mr Cox resigned with immediate effect. At the request of OCR, the School prepared a report of the investigative findings and shared the same with OCR on 13 March 2019.

On 21 March 2019, an OCR Malpractice Committee ("the Committee") met to consider the allegations against Mr Cox. The Committee concluded that Mr Cox had:

*'...committed the malpractice offence of deception by falsifying candidate marks and creating work and substituting it for the real work of candidates in his classes called for in the moderation sample'.*

The Committee concluded that Mr Cox should be barred from all involvement in the delivery or administration of OCR examinations and assessments for a period of four years until March 2023.

Mr Cox has admitted the allegations against him and signed a Statement of Agreed Facts.

## **Findings of fact**

The findings of fact are as follows:

**It was alleged that you were guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that:**

**Whilst employed as Cross Curricular Coordinator of ICT and/or Head of Computing Science and/or Business at Redhill School between 1 September 2015 and 28 February 2019:**

**1. In the academic year 2018/2019, in respect of Year 11 iMedia Cambridge National examination coursework, you:**

- a. submitted one or more pieces of work to the exam. board as if it had been produced solely by a pupil, when you knew that was not the case;**

Mr Cox admitted allegation 1a and the panel found the facts proved based on his admission and the Statement of Agreed Facts. The panel noted that there was evidence in the bundle which clearly supported Mr Cox's admission.

**b. submitted grades/marks for one or more pupils to the exam. board which you knew would not reflect, and/or did not reasonably believe would reflect, the grade/mark the pupil would have received for their own unaided work;**

Mr Cox admitted allegation 1b and the panel found the facts proved based on his admission and the Statement of Agreed Facts. The panel noted that there was evidence in the bundle which clearly supported Mr Cox's admission.

**2. Your conduct as may be found proven at 1 above lacked integrity and/or was dishonest.**

Mr Cox admitted that his conduct in allegation 1 lacked integrity and was dishonest.

In deciding whether the conduct of Mr Cox lacked integrity, the panel considered whether Mr Cox had breached the ethical standards of the teaching profession. In doing so, the panel recognised the need to avoid setting unrealistically high standards and acknowledged that the duty of integrity does not require professional people to be paragons of virtue. However, in relation to 1a, Mr Cox admitted that he had submitted one or more pieces to the examination board as if produced solely by a pupil, when he knew that was not the case.

Similarly, in relation to 1b, Mr Cox admitted that he submitted one or more pieces of work to the examination board which he knew would not reflect, and/or did not reasonably believe would reflect the grade/mark the pupil would have received for their own unaided work.

The panel was satisfied that, in acting in this way, Mr Cox failed to adhere to the ethical standards of the teaching profession and his conduct, therefore, lacked integrity. The panel was also satisfied that, in acting in this way, his conduct would be seen as dishonest by ordinary decent people.

The panel, therefore, found allegation 2 proved on the basis that Mr Cox's proven conduct in 1a and 1b lacked integrity and was dishonest.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Cox admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account, but made its own determinations.

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 was satisfied that the conduct of Mr Cox in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Cox 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.
- 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 was satisfied that the conduct of Mr Cox amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether the conduct of Mr Cox displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offences of fraud and serious dishonesty were relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Mr Cox was guilty of unacceptable professional conduct.

The panel took into account the way 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.



The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Cox's actions constituted 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, the maintenance of public confidence in the profession and its regulations and declaring and upholding proper standards of conduct.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cox were not treated with the utmost seriousness when regulating the conduct of the profession. The panel took the view that the maintenance of the integrity of the assessment process is of the utmost importance. If pupils, parents/carers, the public and employers do not have confidence that the assessment of learners' achievements are reliable and fair then the integrity of the whole education process is called into question. The panel, therefore, viewed the facts found proven with the utmost seriousness.

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 proven against Mr Cox was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Cox.

While there is a public interest in retaining a qualified and experienced teacher within the education system, this must be balanced against the facts found proven in Mr Cox's case.

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 Cox. 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;
- misconduct seriously affecting the education... of pupils...;
- dishonesty especially where there have been serious consequences,...;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Mr Cox's actions were deliberate.

There was no evidence to suggest that Mr Cox was acting under duress. However, the panel noted Mr Cox's representations which provided a context of significant workplace pressure at the time of the misconduct.

The panel noted that Mr Cox made admissions during the early stages of the School's investigative process.

Mr Cox did have a previously good history. The panel carefully considered Mr Cox's written statement of mitigation in which he expressed remorse and demonstrated insight into the impact of his actions on the pupils.

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 Cox 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 Cox.

The seriousness of the misconduct was a significant factor in forming that opinion. 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 fraud or serious dishonesty, which were found in this case. However, the panel noted:

- the misconduct was confined to a single assessment cycle;
- there were significant work pressures on Mr Cox at the time;
- Mr Cox has recognised the impact of his actions on pupils and colleagues;
- the panel found that Mr Cox fully accepted responsibility for his misconduct and did so at an early stage.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review after a period of five years. The panel reflected on the period of the ban imposed by OCR on all involvement in the delivery or administration of OCR examinations and assessments for a period of four years until March 2023. The panel decided that a five year period was appropriate as it would provide an opportunity for Mr Cox to demonstrate that he was able to participate in assessment processes with absolute integrity.

## **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.

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

In particular, the panel has found that Mr Cox is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also “satisfied that the conduct of Mr Cox amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as they include a finding of fraud and serious 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 Cox, 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, “he had submitted one or more pieces to the examination board as if produced solely by a pupil, when he knew that was not the case.”

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 carefully considered Mr Cox’s written statement of mitigation in which he expressed remorse and demonstrated insight into the impact of his actions on the pupils.”

I have therefore given this element considerable weight in reaching my decision on a review period.

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, “took into account the way 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 fraud and serious 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 Cox himself. The panel has said, “Mr Cox did have a previously good history.”

A prohibition order would prevent Mr Cox 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, “The seriousness of the misconduct was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cox 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. The public should be able to have full confidence in the assessment system.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered the panel’s comments “The panel reflected on the period of the ban imposed by OCR on all involvement in the delivery or administration of OCR examinations and assessments for a period of four years until March 2023. The panel decided that a five year period was appropriate as it would provide an opportunity for Mr

Cox to demonstrate that he was able to participate in assessment processes with absolute integrity.”

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I have taken into account the fact that this was a single assessment cycle. Nonetheless in this case, there are factors which mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the misconduct found, the finding of fraud and the finding of serious dishonesty.

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

**This means that Mr Edward Cox is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** He may apply for the prohibition order to be set aside, but not until 21 December 2024, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Edward Cox remains prohibited from teaching indefinitely.

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

Mr Edward Cox 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: 13 December 2019**

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