



Teaching
Regulation
Agency

Mr James Shackleton: Professional conduct panel meeting outcome

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

June 2022

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

Teacher:	Mr James Shackleton
Teacher ref number:	1650910
Teacher date of birth:	3 June 1990
TRA reference:	19852
Date of determination:	17 June 2022
Former employer:	Teddington School, Teddington

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 June 2022 via Microsoft Teams, to consider the case of Mr James Shackleton.

The panel members were Mona Sood (lay panellist – in the chair), Bev Williams (teacher panellist) and Duncan Tilley (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

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 James Shackleton that the allegation be considered without a hearing. Mr Shackleton 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 Jacob Rickett of Capsticks LLP and Mr Shackleton.

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

Allegations

The panel considered the allegation set out in the notice of meeting dated 30 May 2022.

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Teddington School ("the School"):

1. Between around 2019 to February 2021, you failed to observe a proper boundary appropriate to a teacher's professional position and/or engaged in an inappropriate relationship with Pupil A, including by:
 - a. engaging in one or more 1:1 meetings with Pupil A in your office whilst the door was closed;
 - b. engaging in discussion of matters of a personal nature with Pupil A from your School email address;
 - c. communicating with Pupil A via their personal mobile number outside of the School day.
2. You stored confidential information about Pupil A on your personal mobile phone
3. You failed to escalate adequately or at all the concerns reported to you about Pupil A, including the matters set out in Schedule A
4. You failed to record adequately or at all your conversations with Pupil A on the School's CPOMs system;
5. Your conduct at Allegation 2 and/or Allegation 3 failed to adequately safeguard Pupil A.

By a Statement of Agreed Facts, signed by Mr Shackleton on 10 March 2022 ('the Statement'), he accepted all of the facts of the allegation and that these amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 5 to 8

Section 2: Notice of referral and proceedings, and response – pages 9 to 17

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 18 to 24

Section 4: Teaching Regulation Agency documents – pages 25 to 262

Section 5: Teacher documents – pages 263 to 269

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 Shackleton on 10 March 2022.

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 Shackleton for the allegation 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 Shackleton had been employed at Teddington School ('the School') since 1 September 2017 as a geography teacher. In November 2020, concerns were raised about the number of one to one meetings that Mr Shackleton was undertaking with Pupil

A, a vulnerable pupil. Upon an investigation by the School, it was noted that Mr Shackleton had not recorded these meetings on an information-sharing platform called Child Protection and Online Management System ('CPOMS').

Mr Shackleton was warned that any such meetings must be recorded on CPOMS but he failed to ensure that he did so, and instead recorded notes of these meetings on his personal mobile phone. It was also discovered that there had been contact between Pupil A and Mr Shackleton, via the School's email system, within which topics of a nature personal to Pupil A were discussed.

Mr Shackleton was summarily dismissed from his role on 12 February 2021.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against you proved, for these reasons:

- 1. Between around 2019 to February 2021, you failed to observe a proper boundary appropriate to a teacher's professional position and/or engaged in an inappropriate relationship with Pupil A, including by:**
 - a. engaging in one or more 1:1 meetings with Pupil A in your office whilst the door was closed;**
 - b. engaging in discussion of matters of a personal nature with Pupil A from your School email address;**
 - c. communicating with Pupil A via their personal mobile number outside of the School day.**

The panel noted the Statement of Agreed Facts ('the Statement') contained an unequivocal admission by Mr Shackleton to this particular of allegation. In the panel's view, Mr Shackleton was best placed to confirm which facts were accurate and it therefore determined that the Statement would be given significant weight. The panel was content that, in and of itself, the Statement was sufficient for this particular of allegation to be proved. In order to avoid repetition, this position also applied to all other particulars of the allegation.

In addition to the Statement however, the panel did consider the other documents before it and noted that there was other evidence to corroborate the facts within the Statement. In particular, the panel noted the evidence from [REDACTED] at the School, and [REDACTED] at the School. Both of these witnesses stated that it had been reported to them that Mr Shackleton was having meetings with Pupil A with his door closed. In addition, they confirmed that Mr Shackleton had admitted discussing matters of a personal nature with Pupil A, via his School's email account, and communicating with Pupil A by his mobile phone outside of the School day. In the view of these witnesses, Pupil A had developed some level of dependency on Mr Shackleton.

In the panel's view, a teacher needs to ensure that clear and unambiguous boundaries are maintained with any pupil. This becomes of even greater importance when the pupil is known to be vulnerable. Communicating in the manner that Mr Shackleton did, and discussing the subject matters that they did, crossed that professional boundary.

In crossing that boundary, the panel also considered that the 'relationship' was also, therefore, inappropriate.

The panel therefore found this particular of the allegation proved.

2. You stored confidential information about Pupil A on your personal mobile phone

In addition to the Statement, the panel noted the evidence from [REDACTED] who stated that Mr Shackleton had admitted storing notes of the conversation that he had had with Pupil A on his personal mobile phone.

The panel also considered the screenshots of the notes made by Mr Shackleton, which evidently referred to, amongst other matters, [REDACTED]. Such topics are clearly confidential to the pupil.

The panel therefore found this particular of the allegation proved.

3. You failed to escalate adequately or at all the concerns reported to you about Pupil A, including the matters set out in Schedule A

The panel noted that neither [REDACTED] nor [REDACTED] stated that Mr Shackleton had raised any particular concerns with them regarding Pupil A. In their respective positions, both witnesses would have expected Mr Shackleton to have raised the concerns.

In circumstances where Pupil A was raising significant concerns as to her [REDACTED] the panel was also of the view that Mr Shackleton should have escalated matters in order to assist the safeguarding of Pupil A.

The panel therefore found this particular proved.

4. You failed to record adequately or at all your conversations with Pupil A on the School's CPOMS system

The panel noted the CPOMS log that was provided within the documents and that the log demonstrated that Mr Shackleton was aware of CPOMS at the relevant time, and that records needed to be made on the system. There was, however, only a single apparent record inputted by Mr Shackleton in respect of Pupil A (in November 2020).

In the panel's view, from other material in the bundle, issues of concern regarding Pupil A were present for a significant time prior to November 2020 but there was no evidence of these being recorded by Mr Shackleton.

The panel therefore found this particular proved.

5. Your conduct at Allegation 2 and/or Allegation 3 failed to adequately safeguard Pupil A.

With consideration to the issues raised by Pupil A to Mr Shackleton, there was a clear and unambiguous need for Mr Shackleton to store the information received in a secure manner, and to escalate the issues promptly. There was no evidence that Mr Shackleton did so, which would have minimised the safeguarding risk to Pupil A.

On that basis, the panel found this allegation proved.

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

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Shackleton in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Shackleton was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities.

The panel considered whether Mr Shackleton's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice and found that none of these offences to be relevant.

Nevertheless, the panel did consider Mr Shackleton's behaviour, both individually and collectively for each particular, to be serious. The panel noted that there was no substantive evidence that his conduct was anything more than a demonstration of extremely poor judgement in how contact between Mr Shackleton and Pupil A occurred. There was also, to some extent, knowledge by staff at the School as to the 'relationship' between Pupil A and Mr Shackleton. The email conversations that did take place, did so by Mr Shackleton using his School email address, which could easily be audited. It was however, in the panel's view, extremely poor judgement over a significant period of time, using different methods of communication.

The conduct was also found to have occurred despite some warnings having been given to Mr Shackleton by senior teachers as to the need to protect Pupil A, himself and the School, by ensuring that:

- any meeting or contact between a teacher and pupil was appropriate; and
- compliance with normal practice of the profession and statutory guidance, such as KCSIE.

In the panel's view, the subject matter of the conversations that took place should have alerted Mr Shackleton to the need to escalate matters in order to best ensure the safety of Pupil A. These conversations also needed to be adequately recorded to ensure that any subsequent appropriate person had all relevant and pertinent information before them, in order to best ensure Pupil A was safeguarded.

Protection of pupils is a basic tenet of being a teacher, and Mr Shackleton did not ensure that this took place for Pupil A. The panel accepted that there was no evidence that any direct harm did, in fact, come to Pupil A. However, in the panel's view, the actions of the teacher did not minimise the risk to Pupil A.

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.

For the reasons given above, the panel was satisfied that the conduct of Mr Shackleton fell significantly short of the standards expected of the profession and, therefore, that it amounted to unacceptable professional conduct. For the same reasons, his actions also 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, namely:

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

In the light of the panel's findings against Mr Shackleton, which involved repeated failings by him, over a significant time-period, to ensure that a vulnerable pupil who raised thoughts of suicide and self-harm, was appropriately safeguarded, the protection of pupils was of prime importance.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Shackleton was not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Shackleton was outside that which could reasonably be tolerated.

The panel accepted that there was some public interest consideration in retaining Mr Shackleton in the profession, since no doubt had been cast upon his abilities as a teacher.

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 Shackleton.

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 Shackleton. 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 and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;

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.

In the light of the panel's findings, the panel could only conclude that Mr Shackleton's actions were deliberate. The panel noted that he asserted that he was acting under duress, but it did not consider there was any proper basis for Mr Shackleton to say that. It did, however, accept that Mr Shackleton had a previously good record.

The panel also considered the three references provided by Mr Shackleton, which were complimentary as to his character and professionalism 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 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 Shackleton 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 Shackleton. Ensuring that all pupils are appropriately safeguarded, and protected from risk as far as possible, was an essential element in the panel's view on this point. Mr Shackleton had fundamentally failed in this area, over a lengthy period of time. His deliberate actions meant appropriate safeguarding processes were broken, and could not therefore be properly upheld by individuals specifically trained and experienced in this area.

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 certain behaviours that, if proved, would militate against the recommendation of a review period. The panel did not consider any of these behaviours to be specifically relevant to this case. The panel also noted that Mr Shackleton had expressed some remorse in the statement provided to the TRA.

However, in the panel's view, Mr Shackleton had demonstrated repeated and serious failings in respect of Pupil A: each occasion when Pupil A contacted him, or spoke to him regarding their [REDACTED] was an opportunity for Mr Shackleton to escalate their safeguarding to those more senior and experienced. He did not do this on any occasion, and the panel considered this to be an extreme disregard for the safety of pupils, and the procedures in place at the School, and other external agencies.

The panel accepted that Mr Shackleton was towards the beginning of this career, but did not consider that this in any way excused his actions. In his written response to the initial investigation, and to the TRA, he accepted that he knew what he should have been doing in order to safeguard Pupil A. However, Mr Shackleton instead came to a unilateral decision, despite his inexperience, that the system, policies and external agencies were failing Pupil A.

Mr Shackleton chose his own, alternative method of helping the pupil, which he considered superior to the established methods of safeguarding. In the panel's view, such an approach by Mr Shackleton was then manifestly compounded in its inappropriateness by the fact that he then failed to divulge any information or concerns regarding Pupil A, to those more experienced and appropriate.

It appeared to the panel that Mr Shackleton came to his own decision despite accepting 'cutting corners' when undertaking his safeguarding training. This approach to learning meant that Mr Shackleton's understanding of confidentiality was fundamentally flawed.

In the panel's view, Mr Shackleton proceeding in such a manner was a critical failing by a teacher, who had recently undergone substantial relevant training during his training period. He had also been warned by more senior teachers that there were concerns about the relationship he had with Pupil A. Ensuring that Pupil A was appropriately safeguarded should have been at the forefront of Mr Shackleton's mind in 2019 to 2020, particularly with consideration to the pupil's history of self-harm and ensuring that they were appropriately safeguarded by established systems.

In the panel's view, such repeated misplaced judgements indicated a deep lack of appreciation as to the importance of established and tested safeguarding systems. Mr Shackleton had no substantive experience to justify the actions that he took or,

alternatively, did not take. He appeared to be acting on instinct: these actions were gross misjudgements that could not be remediated. In the panel's view, Mr Shackleton would therefore present an ongoing risk to the appropriate safeguarding of pupils. The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without 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 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 James Shackleton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Shackleton 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, and maintain high standards in their own attendance and punctuality.
- 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 Shackleton, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include developing an inappropriate relationship with a vulnerable pupil and failing to report concerns regarding the pupil.

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 Shackleton, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "Protection of pupils is a basic tenet of being a teacher, and Mr Shackleton did not ensure that this took place for Pupil A. The panel accepted that there was no evidence that any direct harm did, in fact, come to Pupil A. However, in the panel's view, the actions of the teacher did not minimise the risk to Pupil A." 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 also noted that Mr Shackleton had expressed some remorse in the statement provided to the TRA."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Shackleton was not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Shackleton was outside that which could reasonably be tolerated." I am particularly mindful of the finding of failing to maintain professional boundaries with a pupil 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 Shackleton himself and the panel comment “The panel accepted that there was some public interest consideration in retaining Mr Shackleton in the profession, since no doubt had been cast upon his abilities as a teacher.”

A prohibition order would prevent Mr Shackleton from teaching. 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 safeguarding pupils. The panel has said, “In the light of the panel's findings against Mr Shackleton, which involved repeated failings by him, over a significant time-period, to ensure that a vulnerable pupil who raised thoughts of suicide and self-harm, was appropriately safeguarded, the protection of pupils was of prime importance.”

I have also placed considerable weight on the finding of the panel that the conduct occurred despite warnings given to Mr Shackleton by senior teachers as to the need to protect Pupil A, himself and the school.

Mr Shackleton failed to escalate matters in order to assist the safeguarding of Pupil A.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Shackleton 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, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "In the panel's view, such repeated misplaced judgements indicated a deep lack of appreciation as to the importance of established and tested safeguarding systems. Mr Shackleton had no substantive experience to justify the actions that he took or, alternatively, did not take. He appeared to be acting on instinct: these actions were gross misjudgements that could not be remediated. In the panel's view, Mr Shackleton would therefore present an ongoing risk to the appropriate safeguarding of pupils. The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period."

I have considered whether not allowing a 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, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the ongoing risk to the safeguarding of pupils

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr James Shackleton 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 Shackleton 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 Shackleton 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 21 June 2022

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