



Teaching
Regulation
Agency

Mr Richard Cottyn: Professional Conduct Panel Meeting outcome

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

February 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	6
Summary of evidence	6
Documents	6
Statement of agreed facts	7
Decision and reasons	7
Findings of fact	7
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Mr Richard Cottyn
Teacher ref number:	0784065
Teacher date of birth:	2 March 1984
TRA reference:	17764
Date of determination:	10 February 2022
Former employer:	Burnham Park Academy, Buckinghamshire; Farnham Heath End School, Surrey.

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 10 February 2022 by way of a virtual meeting, to consider the case of Mr Richard Cottyn.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Ms Mona Sood (lay panellist) and Mrs Dawn Hawkins (teacher panellist).

The legal adviser to the panel was Mr Rob Kellaway of Birketts 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 Cottyn that the allegations be considered without a hearing. Mr Cottyn provided a signed statement of agreed facts and admitted conviction of a relevant offence.

The panel considered the case at a meeting without the attendance of the presenting officer, Ms Rebecca Neeson of Fieldfisher LLP, Mr Cottyn, or any representative of Mr Cottyn.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 3 February 2022.

It was alleged that Mr Cottyn was guilty of having been convicted of a relevant offence, in that on or around 20 November 2020 he was convicted of:

1. Causing/inciting sexual activity with female 13-17 offender 18 or over abuse of position of trust s.21 premises between 25 June 2017 and 29 August 2017, contrary to the Sexual Offences Act 2003 s.17(a).
2. Sexual Activity with female 13-17, offender does not believe victim is over 18, abuse of position of trust on 30 August 2017, contrary to the Sexual Offences Act 2003 s.16(1)(e)(i).
3. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration, between 7 October 2014 and 29 December 2014, contrary to the Sexual Offences Act 2003 s.10(1)(a).
4. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration between 22 December 2014 and 28 May 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).
5. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration between 2 April 2015 and 26 May 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).
6. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 22 May 2015 and 7 June 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).
7. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration on 1 June 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).
8. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 7 June 2015 and 22 February 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).
9. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 5 August 2015 and 10 September 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).

10. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 17 June 2015 and 25 June 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).
11. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 16 August 2016 and 25 December 2016 contrary to the Sexual Offences Act 2003 s.10(1)(a).
12. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 19 February 2016 and 30 August 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).
13. Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).
14. Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).
15. Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).
16. Encourage/assist in the commission of an either way offence believing it will be committed between 20 September 2014 and 25 December 2014, contrary to the Serious Crime Act 2007 s.45.
17. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 20 April 2015 and 6 June 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).
18. Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 31 May 2017 and 30 July 2017, contrary to the Sexual Offences Act 2003 s.10(1)(a).
19. Making indecent photograph or pseudo-photograph of children on 27 March 2015, contrary to the Protection of Children Act 1978 s.1(a).
20. Making indecent photograph or pseudo-photograph of children on 25 August 2016, contrary to the Protection of Children Act 1978 s.1(a).
21. Making indecent photograph or pseudo-photograph of children on 6 June 2015, contrary to the Protection of Children Act 1978 s.1(a).
22. Making indecent photograph or pseudo-photograph of children on 6 August 2016, contrary to the Protection of Children Act 1978 s.1(a).

23. Making indecent photograph or pseudo-photograph of children on 19 September 2016, contrary to the Protection of Children Act 1978 s.1(a).
24. Making indecent photograph or pseudo-photograph of children on 17 February 2017, contrary to the Protection of Children Act 1978 s.1(a).
25. Making indecent photograph or pseudo-photograph of children on 27 February 2017, contrary to the Protection of Children Act 1978 s.1(a).
26. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.
27. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.
28. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.

Mr Cottyn admitted the facts of allegations 1 to 28, and that his behaviour amounted to a conviction of a relevant offence, in his signed response to the notice of referral dated 28 April 2021 and in the statement of agreed facts which he signed on 18 September 2021.

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 and list of key people – pages 1 to 2.
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 24. The notice of meeting was sent separately and was inserted at pages 24A to 24D.
- Section 3: Statement of agreed facts and presenting officer representations – pages 25 to 35.
- Section 4: Teaching Regulation Agency documents – pages 36 to 99.
- Section 5: Teacher documents – pages 100 to 101.

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 signed by Mr Cottyn on 18 September 2021 and by the presenting officer on 25 October 2021.

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 Cottyn 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 Cottyn was employed by Burnham Park Academy from 1 April 2014 until 28 April 2016. He was initially employed as the Assistant Principal and Director of Maths until 1 September 2015, and then as acting Vice Principal until 28 April 2016.

Mr Cottyn was employed by Farnham Heath End School ('the School') from 1 September 2016 to 22 November 2018.

On 5 September 2017, Mr Cottyn was arrested by Surrey Police following allegations of making sexual advances towards a [redacted] pupil. Following his initial arrest, further offences came to light for which Mr Cottyn was arrested.

Mr Cottyn was suspended from the School on 5 September 2017. On 22 November 2018, Mr Cottyn was summarily dismissed by the School.

On 28 November 2018, a referral was made to the TRA.

On 5 October 2020, Mr Cottyn was convicted of 28 offences and he was sentenced on 20 November 2020 to eight years' and eight months' imprisonment.

Mr Cottyn was sentenced to a sexual harm prevention order for life.

Findings of fact

The findings of fact are as follows:

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

1. **Causing/inciting sexual activity with female 13-17 offender 18 or over abuse of position of trust s.21 premises between 25 June 2017 and 29 August 2017, contrary to the Sexual Offences Act 2003 s.17(a).**
2. **Sexual Activity with female 13-17, offender does not believe victim is over 18, abuse of position of trust on 30 August 2017 contrary to the Sexual Offences Act 2003 s.16(1)(e)(i).**
3. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration, between 7 October 2014 and 29 December 2014, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
4. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration between 22 December 2014 and 28 May 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
5. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over, no penetration between 2 April 2015 and 26 May 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
6. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 22 May 2015 and 7 June 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
7. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration on 1 June 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
8. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 7 June 2015 and 22 February 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
9. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 5 August 2015 and 10 September 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
10. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 17 June 2015 and 25 June 2015, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
11. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 16 August 2016 and 25 December 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).**

12. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 19 February 2016 and 30 August 2016 contrary to the Sexual Offences Act 2003 s.10(1)(a).**
13. **Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).**
14. **Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).**
15. **Making indecent photograph or pseudo-photograph of children on 5 September 2017, contrary to the Protection of Children Act 1978 s.1(a).**
16. **Encourage/assist in the commission of an either way offence believing it will be committed between 20 September 2014 and 25 December 2014, contrary to the Serious Crime Act 2007 s.45.**
17. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 20 April 2015 and 6 June 2016, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
18. **Attempting/causing/inciting a female child under 16 to engage in sexual activity – offender 18 or over no penetration between 31 May 2017 and 30 July 2017, contrary to the Sexual Offences Act 2003 s.10(1)(a).**
19. **Making indecent photograph or pseudo-photograph of children on 27 March 2015 contrary to the Protection of Children Act 1978 s.1(a).**
20. **Making indecent photograph or pseudo-photograph of children on 25 August 2016 contrary to the Protection of Children Act 1978 s.1(a).**
21. **Making indecent photograph or pseudo-photograph of children on 6 June 2015 contrary to the Protection of Children Act 1978 s.1(a).**
22. **Making indecent photograph or pseudo-photograph of children on 6 August 2016 contrary to the Protection of Children Act 1978 s.1(a).**
23. **Making indecent photograph or pseudo-photograph of children on 19 September 2016, contrary to the Protection of Children Act 1978 s.1(a).**
24. **Making indecent photograph or pseudo-photograph of children on 17 February 2017, contrary to the Protection of Children Act 1978 s.1(a).**
25. **Making indecent photograph or pseudo-photograph of children on 27 February 2017, contrary to the Protection of Children Act 1978 s.1(a).**

- 26. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.**
- 27. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.**
- 28. Distributing indecent photograph or pseudo-photograph of children between 19 May 2016 and 24 December 2016, contrary to the Protection of Children Act 1978 s.1.**

The panel considered the statement of agreed facts, signed by Mr Cottyn on 18 September 2021. In the statement of agreed facts, Mr Cottyn admitted that on 5 October 2020 he had been convicted at Guildford Crown Court of 28 offences and sentenced to 8 years' and 8 months' imprisonment. Further, Mr Cottyn admitted and accepted that each of the 28 offences amounted to a conviction of a relevant offence.

The panel was provided with a copy of the certificate of conviction from Guildford Crown Court, which confirmed Mr Cottyn's convictions in respect of the offences referred to at allegations 1 to 28. The panel was also provided with the judge's sentencing remarks dated 20 November 2020 along with documents from the police, including the police report, which the panel carefully considered.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers February 2022 ('the Advice') which states that where there has been a conviction, at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction that establishes the relevant facts, unless exceptional circumstances apply. The panel did not consider that there were any exceptional circumstances present. Therefore, on examination of the documents before the panel, the panel was satisfied that the facts of the allegations 1 to 28 were proved.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Cottyn in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Cottyn 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- 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 Cottyn was wholly contrary to the standards expected of the teaching profession. Mr Cottyn's conduct was of the most serious and gravest kind.

The panel noted that Mr Cottyn's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

The panel noted that some of the offences had taken place outside of the School setting and had not involved pupils from the schools where Mr Cottyn worked or other members of staff. However, the panel concluded that Mr Cottyn's proven actions were relevant to teaching, working with children and/or working in an education setting.

The panel noted that the behaviour involved in committing the offences would have had an impact on the safety or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Cottyn's behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community. Further, the panel considered that public confidence in the profession would be severely damaged if in the event he was allowed to teach following his release from prison.

The panel noted page 12 of the Advice, which states that a conviction for any offence which relates to, or involves, certain conduct will be considered a relevant offence. Having reviewed all the documents, including the detailed police report, the panel considered that the proven offences related to or involved:

- sexual activity;
- sexual communication with a child;
- activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents;
- controlling or coercive behaviour;
- harassment and/or stalking; and
- fraud or serious dishonesty.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Cottyn's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

In summary, the panel found, unequivocally, the allegations proven and that Mr Cottyn had been convicted of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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.

The panel noted that 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 had regard to the particular public interest considerations set out in the Advice and having done so, found them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest.

The panel's findings against Mr Cottyn concerned 28 criminal offences which involved sexual activity with children, attempting and causing/inciting sexual activity with children and making indecent photographs or pseudo-photographs of children. The panel

determined there to be a very strong public interest consideration in respect of the protection of pupils given the serious and multiple findings of inappropriate sexual activity with children.

Similarly, the panel considered that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Cottyn were not treated with the utmost seriousness when regulating the conduct of the profession. The panel assessed public confidence by reference to the standard of an ordinary intelligent and well-informed citizen, who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, as well as other issues involved in the case.

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 Cottyn was far 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 Cottyn.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Mr Cottyn. 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, the panel considered those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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;

- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- sustained or serious bullying (including cyberbullying), or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests; and
- collusion or concealment including...
 - lying to prevent the identification of wrongdoing.

The panel also noted that the Advice states that panels should attach appropriate weight and seriousness to online behaviours. There was evidence within the police report and the sentencing remarks that Mr Cottyn had engaged in sustained online misconduct and inappropriate relationships with underage and vulnerable victims and had moved online relationships into contact relationships.

The panel viewed Mr Cottyn's actions as being at the most serious end of the spectrum. The seriousness of Mr Cottyn's conduct was reflected in the substantial prison sentence he was serving.

Mr Cottyn had been an experienced and senior teacher and leader at the time he committed the relevant offences. He had qualified as a teacher in 2008. Mr Cottyn had committed the serious criminal offences against multiple victims over a significant period of time.

Even though 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.

Mr Cottyn's actions were deliberate. In fact, the panel considered Mr Cottyn's actions to be both calculated and motivated over a significant period of time.

There was no evidence to suggest that Mr Cottyn was acting under duress.

There was no evidence that Mr Cottyn had demonstrated exceptionally high standards in both personal and professional conduct and no evidence that he had contributed significantly to the education sector.

The panel took into account the sentencing remarks included within the bundle, which described the letters of mitigation submitted on behalf of Mr Cottyn. The panel noted that the sentencing judge had found Mr Cottyn to be remorseful for his actions.

The panel noted a mitigation statement from Mr Cottyn dated 13 November 2021. Given the seriousness of his offences, the panel considered the evidence of his remorse and insight into his conduct and its consequences was limited. In his mitigation statement, Mr Cottyn stated that he accepted that he will not be able to return to the teaching profession.

The panel noted the sentencing judge's reference to Mr Cottyn having engaged with the [redacted] prior to his conviction. Mr Cottyn also stated he had engaged with a private counsellor prior to his imprisonment.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would certainly 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 Cottyn of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations significantly outweighed the interests of Mr Cottyn. The fact that Mr Cottyn had been convicted of such serious sexual offences which were at the most serious end of the spectrum 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 where a case involves certain conduct, it is likely the public interest will have greater relevance and weigh in the favour of not offering a review period. The panel found the following conduct referred to in the Advice present in this case:

- 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;
- any sexual misconduct involving a child; and
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

The panel decided that its 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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Richard Cottyn should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Richard Cottyn 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- 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 Cottyn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of 28 separate criminal offences, involving sexual activity with children, attempting, and causing/inciting sexual activity with children and making indecent photographs or pseudo-photographs of children. Conduct that took place over a sustained period.

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 Cottyn, 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, "The panel determined there to be a very strong public interest consideration in respect of the protection of pupils given the serious and multiple findings of inappropriate sexual activity with children." 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 noted a mitigation statement from Mr Cottyn dated

13 November 2021. Given the seriousness of his offences, the panel considered the evidence of his remorse and insight into his conduct and its consequences was limited". In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. 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, "Mr Cottyn's behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community. Further, the panel considered that public confidence in the profession would be severely damaged if in the event he was allowed to teach following his release from prison." I am particularly mindful of the finding of sexual offences involving children 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 Cottyn himself and the panel comment "Mr Cottyn had been an experienced and senior teacher and leader at the time he committed the relevant offences. He had qualified as a teacher in 2008." The panel also commented "There was no evidence that Mr Cottyn had demonstrated exceptionally high standards in both personal and professional conduct and no evidence that he had contributed significantly to the education sector." A prohibition order would prevent Mr Cottyn 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 the seriousness of the allegations, resulting in a prison sentence of over 8 years and sentenced to a sexual harm prevention order for life. The panel has said, "There was evidence within the police report and the sentencing remarks that Mr Cottyn had engaged in sustained online misconduct and inappropriate relationships with underage and vulnerable victims and had moved online relationships into contact relationships."

I have also placed considerable weight on the following comments “The panel viewed Mr Cottyn’s actions as being at the most serious end of the spectrum. The seriousness of Mr Cottyn’s conduct was reflected in the substantial prison sentence he was serving.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cottyn 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. A published decision, in light of the circumstances in this case, that is not backed up fully 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 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 “The Advice indicates that where a case involves certain conduct, it is likely the public interest will have greater relevance and weigh in the favour of not offering a review period. The panel found the following conduct referred to in the Advice present in this case:

- 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;
- any sexual misconduct involving a child; and
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

I have considered whether a no review period reflects the seriousness of the findings and is a proportionate to achieve the aim of maintaining public confidence in the profession. In this case, a number of factors mean that no review is necessary to achieve the aim of maintaining public confidence in the profession, these elements are the seriousness of the sexual offences involving children, which took place over a sustained period and the lack of full insight or remorse.

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 Richard Cottyn 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 Richard Cottyn 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 Cottyn 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: 16 February 2022

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