



Teaching
Regulation
Agency

Mr Adam James Professional conduct panel 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 Adam James
Teacher ref number:	1244300
Teacher date of birth:	21 June 1990
TRA reference:	17670
Date of determination:	13 June 2022
Former employer:	Ormiston Meridian Academy and St Margaret Ward Catholic Academy, Stoke on Trent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Mr Adam James.

The panel members were Ms Maxine Cole (lay panellist – in the chair), Ms Michelle Chappell (teacher panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson LLP solicitors.

Mr James was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 14 April 2022.

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

Whilst employed as a Maths teacher at Ormiston Meridian Academy;

1. He failed to maintain appropriate professional boundaries with Pupil A on one or more occasions prior to her leaving the Academy in or around mid-2015, in that he deliberately touched her leg during one or more tutoring sessions;

2. He engaged in and/or developed an inappropriate relationship with Pupil A after she had left the Academy in or around mid-2015, in that he;

a. exchanged emails with her on one or more occasions, including via a personal email account;

b. sent her one or more messages via email and/or social media which included;

i. comments of a flirtatious and/or sexual nature;

ii. pictures of his penis and/or videos depicting masturbation;

iii. requests for her to send him pictures of her;

c. met with her on one or more occasions;

d. engaged in sexual activity with her on one or more occasions between February 2016 and October 2017;

e. engaged in sexual intercourse with her on one or more occasions between October 2016 and October 2017;

3. His behaviour as may be found proven;

a. at allegation 1 above was sexually motivated;

b. at allegation 2 above was sexually motivated and/or conduct of a sexual nature.

In his response to the notice of referral, Mr James denied allegation 1 and denied that such behaviour as may be found proven was sexually motivated. He admitted allegation 2 a but denied allegations 2b and 2c. With respect to what his now allegation 2d, in his response to the notice of referral, Mr James admitted having engaged in sexual activity with Pupil A on one or more occasions between October 2016 and October 2017 and admitted that this was sexually motivated and/or conduct of a sexual nature. Mr James

accepted that those facts he had admitted amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr James has provided no response to the current allegations contained within the notice of proceedings which now includes allegation 2e that he engaged in sexual intercourse with Pupil A. That allegation did not form part of the earlier allegations contained within the notice of referral. In the absence of a response to this allegation, Mr James was not taken to have admitted it.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

The presenting officer indicated there were three applications for the panel to consider:

1. Whether to proceed in Mr James’ absence;
2. Whether to admit a supplementary bundle of documents; and
3. Whether to amend the allegations.

Application to admit documents

Before deciding whether to proceed in Mr James’ absence, the panel decided to admit a 20 page supplementary bundle of documents consisting of correspondence with Mr James regarding the hearing, an attendance note of a call with Mr James and correspondence with Mr James regarding proposed amendments to the allegations. The panel considered that it was fair to admit such documents in order that it could properly assess the application to proceed in Mr James’ absence, and if it did so, in order to make a decision whether it would be fair to allow the Presenting Officer’s proposed amendment to the allegations. The documents were relevant to both applications.

Proceeding in absence

The panel considered whether the hearing should proceed in the absence of Mr James.

The panel was satisfied that the TRA has complied with the service requirements of paragraphs 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 ("the Regulations"). Although the notice of proceedings dated 14 April 2022 was not sent to Mr James' last known address, it was sent within a proposed bundle of documents sent to Mr James on 27 April 2022. Mr James had indicated within his response to the notice of referral dated 24 April 2020 that he waived his right to receive eight weeks' notice of the hearing. Furthermore, a copy of the notice of proceedings was sent by the TRA to Mr James by email on 14 April 2022; Mr James had provided that email address as his contact address, and Mr James had used that email address to exchange emails with the TRA.

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the April 2018 Procedures. Whilst a letter dated 4 May 2022 informing Mr James of the change of panellist was also sent to a former address, it was also sent by email to the email address used by Mr James. Paragraph 4.14 of the April 2018 Procedures confirms that any change to the identity of panel members will not invalidate the notice of proceedings.

The panel determined to exercise its discretion under paragraph 4.29 of the April 2018 Procedures to proceed with the hearing in the absence of Mr James.

The panel has taken as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In reaching its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones*.

The panel was satisfied that Mr James was aware of the proceedings. The notice of proceedings was sent to Mr James' email address, that being the address Mr James had requested that correspondence be sent to. The letter sent on 27 April 2022 containing a bundle that included the notice of proceedings also confirmed the date upon which the case was due to be heard. This was sent by special delivery and a delivery receipt has been produced. No response has been received to either an email, nor a letter (for which a delivery receipt has also been produced), asking Mr James to confirm his attendance at the hearing, or if not, to confirm if he would be content for the hearing to proceed in his absence. An attendance note of the presenting officer confirmed that contact was made with Mr James on 9 June 2022, but given that it was not a convenient time for him to speak, arrangements were made to return the call. A number of attempts were made to contact Mr James subsequently, but there was no response, nor any facility to leave a voice message. Mr James provided responses to the Presenting Officer in December

2019 and March 2020 that indicated Mr James had sought a new career direction and did not intend to return to teaching. The panel was satisfied that Mr James had voluntarily absented himself for the hearing in the knowledge of when and how the hearing was taking place.

The panel did not believe that there was any prospect that an adjournment might result in Mr James attending the hearing voluntarily. He has not made any request for an adjournment.

The panel has the benefit of representations submitted by email from Mr James and his response to the notice of referral. The panel noted that all witnesses relied upon are to be called to give evidence which can be tested by questioning them. The panel is able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr James' account.

The panel has considered the risk of reaching an improper conclusion about Mr James' absence, but in light of the repeated attempts to contact him, his lack of engagement, and the absence of any medical evidence presented, the panel considered this risk to be low.

The panel recognised that the allegations against Mr James are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend he ought to be prohibited from teaching.

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The allegations include reference to Pupil A with whom it is alleged Mr James developed an inappropriate relationship. Pupil A will have an interest in having the allegations determined within a reasonable time.

The panel also noted that Pupil A is prepared to give evidence and that it would be inconvenient and distressing for her evidence to be postponed. Delaying the case may also impact upon the memories of witnesses.

The panel has decided to proceed with the hearing in the absence of Mr James. The panel considers that in light of:

- his waiver of his right to appear,
- by taking such measures referred to above to address any unfairness insofar as possible; and
- taking account of the inconvenience that an adjournment would cause to Pupil A, and other witnesses attending;

on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Amending the allegations

The presenting officer sought to amend the allegations to:

- include the following additional words within the stem of the allegation (“the Academy”) and/or a teacher at the St Margaret Ward Catholic Academy” (the “First Amendment”);
- amend allegation 2d to state “engaged in sexual activity with her on one or more occasions between 2015 and October 2017” and amend allegation 2e to state “engaged in sexual intercourse with her on one or more occasions between 2015 and October 2017” (the “Second and Third Amendments”).

The panel noted that Mr James had been given an opportunity to make representations regarding the amendment albeit that he was not invited to do so until 5pm on 10 June 2022. Nevertheless, Mr James was aware that the hearing was due to proceed, and could have attended had he wished to make representations regarding the proposed amendments.

The panel considered the proposed amendments, and given the seriousness of the allegations, was of the view that it is in the interests of justice for the allegation to be properly formulated.

The panel exercised caution given Mr James absence from these proceedings.

With regard to the First Amendment, the panel considered that the amendment more accurately reflects Mr James’ employment status during the period of the allegations given that Mr James had moved to the St Margaret Ward Catholic Academy in 2016. There was no prospect of Mr James’ case being presented differently had this amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to Mr James.

The panel noted that the timescales set out in both allegation 2d and 2e contain typographical errors given that Pupil A’s written statement refers to sexual activity having taken place prior to February 2016, and sexual intercourse having taken place after February 2016.

The panel noted that Mr James has denied that anything unprofessional took place whilst Pupil A was a pupil at the Academy but has admitted engaging in sexual activity with her after she had left.

The panel considered that the proposed Second and Third Amendments would not have led to Mr James presenting his case differently had the amendments been made at an earlier stage. The proposed Second and Third Amendments enable the allegations to be properly formulated, in the event of there being any uncertainty as to the precise dates in which the conduct is alleged to have occurred.

The panel therefore decided to allow each of the proposed amendments save to clarify that the date range in allegations 2d and 2e would read “between June 2015 and October 2017 so that it is explicit that these allegations relate to a time period after Pupil A had left the Academy.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 1 to 24

Section 2: Teaching Regulation Agency witness statements – pages 25 to 78

Section 3: Teaching Regulation Agency documents – pages 79 to 122

Section 4: Teacher documents – pages 123 to 129

In addition, the panel agreed to accept a supplementary 20 page bundle consisting of correspondence and an attendance note relevant to the preliminary applications made by the Presenting Officer.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from Pupil A, Pupil A’s cousin and a police officer called by the presenting officer.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr James was employed at the Academy as a maths teacher from 1 September 2013 until he left to teach at St Margaret Ward Catholic Academy in 2016. He was arrested on the evening of 1 November 2017 and released under investigation, following which he was suspended from his role.

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:

Whilst employed as a Maths teacher at Ormiston Meridian Academy (“the Academy”) and/or a teacher at the St Margaret Ward Catholic Academy;

1. You failed to maintain appropriate professional boundaries with Pupil A on one or more occasions prior to her leaving the Academy in or around mid-2015, in that you deliberately touched her leg during one or more tutoring sessions;

Pupil A gave evidence that whilst Mr James was giving her one to one tuition with a view to her obtaining a higher grade in mathematics, she recalled that he would sit alongside her at the desk. She said that she recalled that his leg always used to fall against hers, and would stay there for the duration of the lesson. She stated that, at the time, she thought nothing of it, and assumed that because he was tall, and they were sitting at the smaller student desks, that it was unintentional and that there was nothing he could do about it.

Pupil A went on to state that, later whilst they were in a relationship after Pupil A had left the Academy, Mr James had admitted to her that he used to touch her leg with his deliberately during the lessons as he liked it and that he did it to get closer to her.

The panel noted that Pupil A first provided an account of her relationship with Mr James to her cousin, and that Pupil A’s cousin confirmed that Pupil A had during this discussion referred to Mr James’ leg having touched hers during their private maths tuition sessions. Pupil A also made reference during her Achieving Best Evidence interview to Mr James having touched her legs. The panel found Pupil A to be a credible and truthful witness. It noted that the accounts she had made to her cousin, to the police and in oral evidence to the panel were consistent, and that her account of their later relationship is corroborated by a sample of messages provided to the panel. There was no indication that her reference to Mr James’ leg having touched hers, was prompted by her cousin expressing concern about her relationship with a former teacher.

The panel found it more probable than not that Mr James had deliberately touched Pupil A’s leg, with his own during their tutoring sessions. It was open to Mr James to sit elsewhere in the classroom, or for tutoring sessions to be held with other pupils present. Pupil A stated that she was not aware of any other pupils having one to one tuition with a teacher. The panel considered that Mr James had failed to maintain appropriate boundaries with Pupil A and found this allegation proven.

2. You engaged in and/or developed an inappropriate relationship with Pupil A after she had left the Academy in or around mid-2015, in that you;

a. exchanged emails with her on one or more occasions, including via a personal email account;

Pupil A has given an account that she initiated contact with Mr James after she left the school in order to request a reference for a work experience placement connected to the college course she had recently started. She referred to exchanging emails with Mr James, thereafter, on a regular basis and that he started putting kisses at the end of his emails. After a few weeks, the emails stopped. She then described, that after attending an open evening at the Academy with her younger sister, and seeing him, that Mr James began emailing her again and the emails continued, although he switched from his work email address to his personal one when the emails became more explicit. The panel has seen a sample exchange of messages between Pupil A and Mr James that evidences their relationship, and considers that it is more probable than not that emails were exchanged between them.

b. sent her one or more messages via email and/or social media which included;

i. comments of a flirtatious and/or sexual nature;

ii. pictures of your penis and/or videos depicting masturbation;

iii. requests for her to send you pictures of her;

c. met with her on one or more occasions;

The sample of messages exchanged between Mr James and Pupil A contain messages sent by Mr James that are sexually explicit, contain heart emojis, “x”s (symbolising kisses) and pictures that Pupil A confirmed were taken during sexual intercourse. The panel considered these messages to be of a flirtatious and sexual nature.

It would be consistent with the graphic nature of the images contained within the sample for Mr James to have provided pictures of his penis and/or videos depicting him masturbating. Pupil A has given evidence that such pictures and videos were sent to her by Mr James. The panel noted that Pupil A had explained that Mr James had suggested they use Snapchat to communicate as it was the best way to talk without people finding out, and that was how he used to send the videos to her. The panel considered this to be credible given that she went on to explain that, at that time, photographs and videos would disappear quickly from snapchat and would not be saved unless a screenshot was taken.

Messages sent by Mr James state “show me more xxxxxxxx” and “get that robe open xxxxxxxx” which is consistent with Mr James requesting Pupil A to send him explicit pictures of her.

Pupil A told the panel that she met with Mr James at an industrial estate and at his parents’ house whilst his parents were away. She explained that she visited him on one occasion and had to hide in the wardrobe when his brother unexpectedly came around. She also referred to meeting in a park area where there was a secluded car park. She also said that they would go out for a meal, travelling some distance where they were

unlikely to encounter anyone they knew. Since Mr James has admitted engaging in sexual activity with Pupil A, it is implicit that they must have met.

The panel therefore found this allegation proven in its entirety.

d. engaged in sexual activity with her on one or more occasions between June 2015 and October 2017;

In his response to the notice of referral, Mr James has admitted engaging in sexual activity with Pupil A on one or more occasions between October 2016 and October 2017.

Pupil A clarified in oral evidence that she had engaged in oral sex with Mr James before [REDACTED], whilst she was 16 years old. On Pupil A's account this was at some time after November 2015, she having left the school in June 2015.

The pictures exchanged in the sample of messages seen by the panel depict Mr James and Pupil A engaging in sexual activity and the messages are sexually explicit.

The panel found this allegation proven.

e. engaged in sexual intercourse with her on one or more occasions between June 2015 and October 2017;

Pupil A clarified in oral evidence that she did not have sexual intercourse with Mr James until after she was 17, so after [REDACTED].

Given the explicit nature of the sample of messages seen by the panel that included reference to sexual intercourse between Pupil A and Mr James, the panel found this allegation proven.

3. Your behaviour as may be found proven;

a. at allegation 1 above was sexually motivated;

The panel noted that there was a period after Pupil A left the school in which Pupil A and Mr James were not in touch, and that the contact between them began after Pupil A had initiated contact with Mr James with a view to seeking a reference. The panel did not therefore consider that it was likely that Mr James' actions were in pursuit of a sexual relationship.

However, Pupil A stated that whilst they were in a relationship after Pupil A had left the Academy, Mr James had admitted to her that he used to touch her leg with his deliberately during the lessons as he liked it and that he did it to get closer to her. As referred to above, there was no indication that Pupil A's account was prompted by her cousin expressing concern about her relationship with a former teacher. It was open to Mr James to sit elsewhere in the classroom, or for tutoring sessions to be held with other pupils present.

In those circumstances the panel considered Mr James' behaviour to have been in pursuit of sexual gratification and found this allegation proven.

b. at allegation 2 above was sexually motivated and/or conduct of a sexual nature.

In the response to the notice of referral, Mr James has admitted that his conduct was sexually motivated and /or conduct of a sexual nature.

Furthermore, a reasonable person would consider that the conduct found proven at allegation 2 above including engaging in sexual activity and sexual intercourse with Pupil A was conduct that was by its very nature sexual. A sexual motivation can be inferred given that the relationship was a sexual one.

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

Having found all of 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.

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 James in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr James 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

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 Mr James breached his safeguarding obligations towards Pupil A as stated in Keeping Children Safe In Education and Working Together to Safeguard Children.

The panel was satisfied that the conduct of Mr James fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr James' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences of:

- sexual activity;
- sexual communication with a child;
- 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 any such activity, including one-off incidents; and
- controlling or coercive behaviour.

were relevant.

The panel considered Mr James' conduct to have been controlling given that he sought to ensure that Pupil A kept their relationship a secret, as otherwise there could be consequences for him.

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.

The panel noted that the allegations took place outside the education setting. The panel noted that embarking on an inappropriate relationship with Pupil A had an emotional impact upon her. The panel had observed the distress that re-visiting these events whilst giving evidence had upon Pupil A.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 that they behave.

The panel also considered whether Mr James' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offences referred to above were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

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

The panel considered that Mr James' conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr James' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the particulars proved, the panel further found that Mr James' conduct amounted to both unacceptable professional conduct and 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr James and whether a prohibition order is necessary and proportionate. 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 a number of them to be relevant in this case, namely the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious finding of an inappropriate relationship with Pupil A.

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

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

The panel had no contemporaneous evidence of Mr James' ability as an educator. His experience in the profession was limited, he having taken his first post as a teacher in 2013, and matters leading to these allegations having been first reported in 2017. In any event, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr James in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher. He breached his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- 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 vulnerable 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, for example, 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 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;

collusion or concealment including: any activity that involves knowingly substantiating another person's statements where they are known to be false; failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules; lying to prevent the identification of wrongdoing;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider to what extent there was any mitigation offered by the teacher and whether there were mitigating circumstances.

There was no evidence that Mr James' actions were not deliberate.

There was no evidence to suggest that Mr James was acting under extreme duress, eg a physical threat or significant intimidation and, in fact, the panel found Mr James' actions to be calculated and motivated.

The panel took Mr James to have a previously good history, given that the assistant principal at the Academy gave evidence to the police that he had settled in very well to his post, and that he didn't recall ever having to speak with Mr James about any concerns regarding his interactions with any of the students. That history was limited, as Mr James had not long joined the profession and there were no references or testimonial evidence presented to the panel.

Mr James initially provided limited co-operation with these proceedings having provided a response to the notice of referral and having sent two emails with representations in December 2019 and March 2020. Since then, he has not engaged with the proceedings and has not conveyed any insight as to the impact of his actions on Pupil A. He has expressed no remorse for his actions.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr James 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 James. The failure by Mr James to recognise the impact of his actions was a significant factor in forming that opinion, since it gives no assurance regarding the risk of repetition. Mr James clearly recognised that the relationship was inappropriate, given his attempts to conceal it. Despite this he proceeded with his actions for his own sexual gratification. 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include:

serious sexual misconduct, eg 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 his 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 found that Mr James was responsible for conduct that was sexually motivated. He was able to develop the relationship with Pupil A whilst she was still a minor, as a result of the position of trust he had been in as her teacher. This resulted in emotional harm being caused to Pupil A. During the course of that relationship, he encouraged her to share explicit photographs of herself with him.

In the absence of any remorse, apology or insight, and the fact that Mr James was prepared to risk the career that he had not long embarked on, the panel considered that there was a real risk of repetition.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 Adam James should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr James 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
- 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 James, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include findings of engaging in sexual activity with Pupil A and engaging in sexual intercourse with Pupil A.

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 James, 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 children/safeguard pupils. The panel has observed, “Mr James clearly recognised that the relationship was inappropriate, given his attempts to conceal it. Despite this he proceeded with his actions for his own sexual gratification.” 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, “Mr James initially provided limited co-operation with these proceedings having provided a response to the notice of referral and having sent two emails with representations in December 2019 and March 2020. Since then, he has not engaged with the proceedings and has not conveyed any insight as to the impact of his actions on Pupil A. He has expressed no remorse for his actions.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. 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, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr James were not treated with the utmost seriousness when regulating the conduct 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 James himself. The panel comment they “had no contemporaneous evidence of Mr James’ ability as an educator”. The panel also observed, “The panel took Mr James to have a previously good history,

given that the assistant principal at the Academy gave evidence to the police that he had settled in very well to his post, and that he didn't recall ever having to speak with Mr James about any concerns regarding his interactions with any of the students. That history was limited, as Mr James had not long joined the profession and there were no references or testimonial evidence presented to the panel." A prohibition order would prevent Mr James 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 concerning the lack of insight or remorse. The panel has said, "In the absence of any remorse, apology or insight, and the fact that Mr James was prepared to risk the career that he had not long embarked on, the panel considered that there was a real risk of repetition."

I have also placed considerable weight on the panel's comment that Mr James "was responsible for conduct that was sexually motivated. He was able to develop the relationship with Pupil A whilst she was still a minor, as a result of the position of trust he had been in as her teacher. This resulted in emotional harm being caused to Pupil A."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr James 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 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 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 serious nature of the misconduct, the sexual motivation, and the lack of 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 Adam James 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 James 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 James 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 "John Knowles". The signature is written in a cursive, flowing style.

Decision maker: John Knowles

Date: 16 June 2022

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