



Teaching  
Regulation  
Agency

# **Mr Nicholas Jones: Professional conduct panel meeting outcome**

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

**April 2022**

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

<b>Teacher:</b>	Mr Nicholas Jones
<b>Teacher ref number:</b>	1757261
<b>Teacher date of birth:</b>	28 February 1995
<b>TRA reference:</b>	18657
<b>Date of determination:</b>	26 April 2022
<b>Former employer:</b>	Bishop Vesey's Grammar School

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 26 April 2022 by way of a virtual meeting, to consider the case of Mr Nicholas Jones.

The panel members were Ms Hilary Jones (lay panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Ms Sue Davies (lay panellist).

The legal adviser to the panel was Ms Rebecca Utton 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 Jones that the allegations be considered without a hearing. Mr Jones 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 Ruth Miller of Fieldfisher, Mr Jones or any representative for Mr Jones.

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 14 March 2022.

It was alleged that Mr Jones was guilty of having been convicted of a relevant offence, in that:

1. On 14 July 2020 he was convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a);
2. On 14 July 2020 he was convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a);
3. On 14 July 2020 he was convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a).

Mr Jones admitted the facts of allegations 1 to 3 and that his behaviour amounted to a conviction of a relevant offence, as set out in the response to the notice of referral dated 28 April 2021 and in the statement of agreed facts signed by Mr Jones on 13 August 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, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 13
- Section 3: Statement of agreed facts and presenting office representations – pages 14 to 18
- Section 4: Teaching Regulation Agency documents – pages 19 to 77
- Section 5: Teacher documents – pages 78 to 90

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 Jones on 13 August 2021.

## **Decision and reasons**

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Jones 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 Jones was employed as a teacher by Bishop Vesey's Grammar School ('the School') from 1 September 2018.

On 23 August 2019, Mr Jones was arrested and interviewed by the police. On 9 March 2020, Mr Jones was interviewed again by the police and made full admissions.

Mr Jones was convicted at Birmingham and Solihull Magistrates Court on 14 July 2020 and was later sentenced at Birmingham Crown Court on 11 August 2020.

## **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. On 14 July 2020 you were convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a);**
- 2. On 14 July 2020 you were convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a);**
- 3. On 14 July 2020 you were convicted of making an indecent photograph or pseudo - photograph of a child between 1 January 2019 to 23 August 2019, contrary to the Protection of Children Act 1978 s.1(a).**

The panel considered the statement of agreed facts, signed by Mr Jones on 13 August 2021. In that statement of agreed facts, Mr Jones admitted the particulars of allegations 1, 2 and 3. Further, he admitted the facts of the allegations amounted to a conviction of a relevant offence.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers (“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, unless exceptional circumstances apply.

The panel had been provided with a copy of the certificate of conviction from Birmingham Crown Court, which detailed that Mr Jones had been convicted of three counts of making an indecent photograph/pseudo-photograph of a child between 1 January 2019 and 23 August 2019.

In respect of the allegations, Mr Jones was sentenced at Birmingham Crown Court on 11 August 2020, as follows: allegation 1, 8 months’ imprisonment suspended for 24 months; allegation 2, 4 months’ imprisonment, to run concurrent, suspended for 24 months; allegation 3, 2 months’ imprisonment, to run concurrent, suspended for 24 months. In respect of all the allegations, Mr Jones was also sentenced to participate in an accredited sex offender group programme rehabilitation activity requirement for a maximum of 30 days and undertake 150 hours unpaid work. Further, for a period of 10 years, Mr Jones was made subject to a Sexual Harm Prevention Order and ordered to sign the Sex Offenders Register.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1, 2 and 3 were proven.

## **Findings as to a 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 a conviction of a relevant offence.

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

The panel was satisfied that the conduct of Mr Jones, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Jones 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
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Mr Jones' conduct was wholly at odds with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in the privileged position of trust with children.

The panel noted that the offences had taken place outside of the school setting and had not involved pupils of the School where Mr Jones worked. The panel was aware that an offence can be considered relevant even if it did not involve misconduct in the course of teaching. The panel concluded that Mr Jones' criminal conduct, making indecent photographs or pseudo-photographs of children, was relevant to teaching, working with children and/or working in an education setting. Mr Jones' offences were grave and extremely serious.

The panel noted that the behaviour involved in committing the offences could 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 Jones' behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Jones' behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving offences 'of 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' which the Advice states is more likely to be considered a relevant offence. The panel noted the large volume of images involved and that this was not a single incident.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Jones' 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 the facts of allegations 1, 2 and 3 proven and that the proven facts amounted to 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. 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 safeguarding and wellbeing of pupils and the protection of 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, if they are in conflict.

In the light of the panel's findings against Mr Jones, which involved convictions for three offences of making indecent photographs or pseudo-photographs of children, there was a strong public interest consideration in respect of the protection of pupils given the serious findings.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jones 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 Jones was outside that which could reasonably be tolerated.

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

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 Jones. 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;



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

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

There was no evidence that Mr Jones’ actions were not deliberate.

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

There was no evidence before the panel that Mr Jones demonstrates exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel noted the contents of the pre-sentence report. The report outlined that Mr Jones pleaded guilty to the offences. [redacted]. The report referenced [redacted]. The panel noted that the [redacted] referred to did not form part of the evidence before them and therefore they were not able to consider its contents.

Further, the panel noted that no evidence had been submitted to attest to the work Mr Jones had completed as part of accredited sex offender group programme rehabilitation activity requirement. The panel accepted that Mr Jones had shown some insight and remorse into his behaviour. However, the panel were concerned that the pre-sentence report referred to Mr Jones being a “*medium risk of committing further sexual offences*” and that there was no evidence presented to them to suggest that this risk had reduced.

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 Jones 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 Jones. The seriousness of the offences of which Mr Jones had been convicted was the

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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include 'any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child'. The panel found that Mr Jones was convicted of three offences of making indecent photographs or pseudo-photographs of children (each involving multiple images). The panel was in no doubt that Mr Jones' misconduct was of the most serious kind and his conduct was incompatible with being a teacher.

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 a relevant conviction.

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

In particular, the panel has found that Mr Jones 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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has also stated that “Mr Jones’ conduct was wholly at odds with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in the privileged position of trust with children.”

The findings of a relevant conviction are particularly serious as they include a finding of making an indecent photograph or pseudo photograph of a child.

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 Jones, 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 and safeguard pupils. The panel has observed, “there was a strong public interest consideration in respect of the protection of pupils given the serious findings.”

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 accepted that Mr Jones had shown some insight and remorse into his behaviour. However, the panel were concerned that the pre-sentence report referred to Mr Jones being a “*medium risk of committing further sexual offences*” and that there was no evidence presented to them to suggest that this risk had reduced.”

In my judgement, the lack of full 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 also took account of the way the teaching profession is viewed by others. The panel considered that Mr Jones’ behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the particular conviction found relevant 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 a relevant conviction, 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 Jones himself.

A prohibition order would prevent Mr Jones from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments, “The panel was in no doubt that Mr Jones’ misconduct was of the most serious kind and his conduct was incompatible with being a teacher.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Jones 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 full 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 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.”

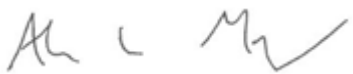
I have also considered the advice published by the Secretary of State. In this case, the factors which mean that a no review period is necessary are the nature of the conviction and the lack of full insight and remorse.

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 Nicholas Jones 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 Nicholas Jones 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 Nicholas Jones has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 3<sup>rd</sup> May 2022**

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