



Teaching
Regulation
Agency

Mr Anthony Cooke (also known as Mr Tony Bessick) Professional conduct panel meeting outcome

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

October 2022

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

Teacher:	Mr Anthony Cooke, also known as Mr Tony Bessick
Teacher ref number:	3331108
Teacher date of birth:	6 December 1965
TRA reference:	0019995
Date of determination:	12 October 2022
Former employer:	Tring School of Performing Arts, Hertfordshire

Introduction

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

The panel members were Ms Penny Griffith (lay panellist – in the chair), Ms Jackie Hutchings (teacher panellist) and Mr Maurice McBride (lay panellist).

The legal adviser to the panel was Mr Luisa Gibbons of Eversheds Sutherland (International 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 Cooke that the allegations be considered without a hearing. Mr Cooke provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Sarah Vince of Browne Jacobson LLP or Mr Cooke.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 30 September 2022.

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

Whilst employed as a teacher of drama at the Tring School of Performing Arts between 3 September 2017 and 7 May 2021:

1. He failed to maintain appropriate professional boundaries towards Pupil A:

a. By sending messages and/or images via social media and/or text that:

i. used swear words and/or derogatory terms in respect of Pupil A [Schedule A: 2,14,30, 34, 39].

ii were overly informal and/or personal [Schedule A:1, 4, 16, 20, 22, 25, 40]

iii referenced alcohol consumption [Schedule A: 3, 5, 17, 23-26, 30, 32, 35-37]

iv sought to meet with Pupil A outside his professional context [Schedule A: 6, 11, 13, 18, 24, 26, 31, 33-37, 39]

v. referred to a fantasy of 'squashing' [Schedule A: 7-16, 21, 28, 29]

vi. requested secrecy and/or suppression of information [Schedule A: 19, 27, 38]

b. In or around July 2016, by arranging for and allowing Pupil A [REDACTED]

c. In or around July 2016, by offering Pupil A beer from the staffroom fridge.

2. He failed to maintain appropriate professional boundaries towards Pupil B;

a. by asking her to accompany you to the Ha Ha to '[REDACTED]' as a sound effect for a film.

b. by sending messages by social media and/or by text:

i. On or around 2 October 2019, "Come n be an alumni [REDACTED] [sic] at some point. He hee".

ii. On or around 2 October 2019, "just been for a costume fitting today...have to wear a big fuck off moustache... look like a Victorian porn star".

iii. On or around 1 Dec 2019, "After seein the pic u shared in FB, gonna adapt my TA film so that the snail is a radical suicide snail, and u stomp it!"

iv. On or around 2 November 2019, posting or sharing a photograph of two pairs of naked legs on a bed;

v. On or around 2 November 2019, “Uni, shmuni...can be a waste of cuntin’g time”.

vi. On or around 2 November 2019, “I am currently stayin in St Francis house on my own as a caretaker... You n [Pupil name] should come down for a ghost hunting sesh one nitr [sic]” and “Not too bad after a few shots of voddy... Will try to organise a party of ex students n staff. Mebbe combine it with u doing some [REDACTED].

3. He failed to maintain appropriate professional boundaries towards Pupil C, by sending messages on social media and/or by text:

a. On or around 16 March 2015, a photograph of him pouting accompanied by “here ya go... a little memento.. don’t go flickin ur bean over it”.

b. On or around 23 March 2015, “I just wanted to say a few things regarding your performance... I have loved the whole rehearsal process... what I am [now] really missing about the show is working with you, as I think I fell a little bit in love with the LV that you created. I have never experienced this in all my time directing at school... I love what you did and its sometimes hard to separate the actress from the role... I am saying this on FB as I would find it hard to say to you in school... T.x”

c. On or around 7 February 2018, asking Pupil B to [REDACTED]for an animated logo and commenting “Be cool having some top totty in the logo” and “Could u squish a real one if need be?”.

d. On or around 7 February 2018, referring to Pupil B as “pussy”.

e. On or around 12 February 2018, “Told me TA class that an ex Tring, top totty superstar may be in their film as a [REDACTED]”.

4. He failed to maintain appropriate professional boundaries towards one or more pupils, by commenting on their Instagram posts.

5. His conduct as may be found proven at Allegations 1 – 3 was sexually motivated.

Mr Cooke admitted both the facts of the allegations and that they constituted unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that there were typographical errors within the notice of meeting as regards the period of time stated in the stem of the allegation and the reference to an incorrect pupil in allegation 3c and 3d . The panel decide to amend the allegations to correct these errors. The panel was satisfied that the corrections did not change the

nature, scope or seriousness of the allegations, and there was no prospect of Mr Cooke's case being presented differently had the amendment been made at an earlier stage. The panel noted that Mr Cooke had accepted within the statement of agreed facts that the allegations were intended to relate to the period in which Mr Cooke taught at the School, from 3 September 2007. The panel also noted that, within the statement of agreed facts, Mr Cooke understood allegation 3 to relate to his communications with Pupil C. There was therefore no unfairness or prejudice caused to Mr Cooke.

The panel therefore decided to amend the stem of the allegation to read:

"Whilst employed as a teacher of drama at the Tring School of Performing Arts between 3 September 2007 and 7 May 2021."

The panel also decided to amend allegation 3c to read:

"On or around 7 February 2018, asking Pupil C to [REDACTED] for an animated logo and commenting "Be cool having some top totty in the logo" and "Could u squish a real one if need be?"."

The panel also decided to amend allegation 3d to read:

"On or around 7 February 2018, referring to Pupil C as "pussy"."

Summary of evidence

Documents

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

Section 1: Notice of referral and response – pages 5 to 21

Section 2: Statement of agreed facts and presenting officer representations – pages 22 to 148

Section 3: Teaching Regulation Agency documents – pages 149 to 209

Section 4: Teacher documents – pages 210 to 214.

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 Cooke on 15 July 2022.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Cooke 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 Cooke was employed as a drama teacher and pastoral liaison officer at Tring Park School for the Performing Arts (“the School”) between 3 September 2007 and 7 May 2021. Mr Cooke taught vocational drama classes. This work included teaching text, acting technique and theory. Mr Cooke regularly assessed pupils’ work, and prepared reports of pupils’ progress. This work was unsupervised.

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 teacher of drama at the Tring School of Performing Arts between 3 September 2007 and 7 May 2021:

1. You failed to maintain appropriate professional boundaries towards Pupil A:

a. By sending messages and/or images via social media and/or text that:

i. used swear words and/or derogatory terms in respect of Pupil A [Schedule A: 2,14,30, 34, 39].

ii were overly informal and/or personal [Schedule A:1, 4, 16, 20, 22, 25, 40]

iii referenced alcohol consumption [Schedule A: 3, 5, 17, 23-26, 30, 32, 35-37]

iv sought to meet with Pupil A outside his professional context [Schedule A: 6, 11, 13, 18, 24, 26, 31, 33-37, 39]

v. referred to a fantasy of ‘squashing’ [Schedule A: 7-16, 21, 28, 29]

vi. requested secrecy and/or suppression of information [Schedule A: 19, 27, 38]

On 15 February 2022, Mr Cooke responded to the notice of referral admitting allegation 1. The particulars of those allegations have since been amended, but Mr Cooke admitted that he had failed to maintain professional boundaries with Pupil A.

On 15 July 2022, in a statement of agreed facts, Mr Cooke admitted the allegations as set out above. He accepted that he engaged in correspondence with Pupil A on social media and/or by text as recorded in documents seen by the panel and accepted that he was the author of comments linked to the profile image of a person in a blue wizard-style hat. He has also accepted that it was not appropriate to be engaging in correspondence by social media and/or by text with Pupil A and that the messages he sent were in appropriate and demonstrated that he failed to maintain professional boundaries with Pupil A .

The panel has seen the messages sent by Mr Cooke, and are satisfied that their content is as described in the sub-paragraphs (i) to (vi) of allegation 1a.

The panel considered that the content of the messages that Mr Cooke sent to Pupil A evidenced that he failed to maintain professional boundaries with Pupil A.

b. In or around July 2016, by arranging for and allowing Pupil A [REDACTED]

c. In or around July 2016, by offering Pupil A beer from the staffroom fridge.

On 15 February 2022, Mr Cooke responded to the notice of referral admitting these allegations.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted these allegations. Mr Cooke accepted that the notes of a member of staff of a report made by Pupil A of 11 February 2021 provides an accurate account of events on the night of the School ball in July 2016, in that he “had asked [Pupil A] to come to the staff room to [REDACTED] until they were interrupted.

Mr Cooke also accepted that the notes of another member of staff of the same report made by Pupil A of 11 February 2021 also provides an accurate account of these events on the night of the School ball in July 2016, that he “took [Pupil A] to the staff room and offered her beer from the fridge...He asked [Pupil A] [REDACTED].

Mr Cooke further accepted that his actions were inappropriate and that they demonstrated a failure to maintain professional boundaries towards Pupil A.

The panel has seen the notes of the two members of staff of the report made by Pupil A evidencing that the events alleged had taken place. Although hearsay, the panel was satisfied with the strength of the evidence since it is corroborated by messages seen by

the panel from Mr Cooke arranging to meet in order for Pupil A to [REDACTED] and to have a beer from the fridge.

In light of Mr Cooke's admissions, the notes of the two members of staff and the messages corroborating the arrangement made, the panel found that the events alleged at allegation 1b and 1c had taken place and that they demonstrated a clear failure to maintain professional boundaries with Pupil A.

2. You failed to maintain appropriate professional boundaries towards Pupil B;

b. by sending messages by social media and/or by text:

i. On or around 2 October 2019, "Come n be an alumni [REDACTED] [sic] at some point. He hee".

ii. On or around 2 October 2019, "just been for a costume fitting today...have to wear a big fuck off moustache... look like a Victorian porn star".

iii. On or around 1 Dec 2019, "After seein the pic u shared in FB, gonna adapt my TA film so that the snail is a radical suicide snail, and u stomp it!"

iv. On or around 2 November 2019, posting or sharing a photograph of two pairs of naked legs on a bed;

v. On or around 2 November 2019, "Uni, shmuni...can be a waste of cuntin' time".

vi. On or around 2 November 2019, "I am currently stayin in St Francis house on my own as a caretaker... You n [Pupil name] should come down for a ghost hunting sesh one nitr [sic]" and "Not too bad after a few shots of voddy... Will try to organise a party of ex students n staff. Mebbe combine it with u doing some [REDACTED]".

On 15 February 2022, Mr Cooke responded to the notice of referral admitting this allegation.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted this allegation.

Mr Cooke accepted that he engaged in correspondence with Pupil B on social media and/or by text as recorded in documents seen by the panel from 2 October 2019 to 1 December 2019. He accepted that he was the author of the comments linked to the profile image of a person in an orange outfit.

Mr Cooke accepted that it was not appropriate to be engaging in correspondence by social media and/or by text with Pupil B. In particular, he accepted that the messages he sent as listed in allegation 2b were inappropriate and failed to maintain appropriate

professional boundaries with Pupil B because those messages contained sexual references, references to alcohol and foul language.

The panel has seen the messages sent by Mr Cooke, and are satisfied that their content is as described in the sub-paragraphs (i) to (vi) of allegation 2b. The panel noted that the messages were sent to Pupil B approximately three years after she left the School. However, the comments related to his professional position, since they referred to Pupil B as being an alumni of the School, adapting the film he used with his pupils and his other duties as a caretaker. Those comments used language that was inappropriate for his professional position. The panel, therefore, considered that the content of the messages that Mr Cooke sent to Pupil B evidenced that he failed to maintain professional boundaries with Pupil B.

3. You failed to maintain appropriate professional boundaries towards Pupil C, by sending messages on social media and/or by text:

a. On or around 16 March 2015, a photograph of him pouting accompanied by “here ya go... a little memento.. don’t go flickin ur bean over it”.

b. On or around 23 March 2015, “I just wanted to say a few things regarding your performance... I have loved the whole rehearsal process... what I am [now] really missing about the show is working with you, as I think I fell a little bit in love with the LV that you created. I have never experienced this in all my time directing at school... I love what you did and its sometimes hard to separate the actress from the role... I am saying this on FB as I would find it hard to say to you in school... T.x” PROVED

c. On or around 7 February 2018, asking Pupil C to [REDACTED] for an animated logo and commenting “Be cool having some top totty in the logo” and “Could u squish a real one if need be?”.

d. On or around 7 February 2018, referring to Pupil C as “pussy”.

e. On or around 12 February 2018, “Told me TA class that an ex Tring, top totty superstar may be in their film as a [REDACTED]!”.

On 15 February 2022, Mr Cooke responded to the notice of referral admitting this allegation.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted this allegation.

Mr Cooke accepted that he engaged in correspondence with Pupil C on social media and/or by text as recorded in documents seen by the panel, from 16 March 2015 to 12 February 2018. He accepted that he was the author of the comments linked to the profile image of a person in a blue wizard-style hat.

He accepted that it was not appropriate to be engaging in correspondence by social media and/or by text with Pupil C. In particular, he accepted that the messages he sent were inappropriate and failed to maintain appropriate professional boundaries with Pupil C.

The panel has seen the messages sent by Mr Cooke, and are satisfied that their content is as described in the sub-paragraphs a to e of allegation 3.

The panel noted that the messages in particulars a to b of allegation 3 were sent to Pupil C whilst she remained a pupil of the School. The content was inappropriate to be sent to a current pupil.

The panel noted that the messages in particulars c to e of allegation 3 were sent to Pupil C approximately three years after she left the School. However, the comments related to his professional position, since they referenced Mr Cooke's current cohort of pupils, and what they would think of Pupil C being involved in their film. Those comments used language that was inappropriate for his professional position. The panel, therefore, considered that the content of the messages that Mr Cooke sent to Pupil C evidenced that he failed to maintain professional boundaries with Pupil C.

The panel considered that the content of the messages that Mr Cooke sent to Pupil C evidenced that he failed to maintain professional boundaries with Pupil C.

5. Your conduct as may be found proven at Allegations 1 – 3 was sexually motivated.

On 15 February 2022, Mr Cooke responded to the notice of referral admitting this allegation.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted this allegation.

Mr Cooke accepted that messages sent to Pupil A containing references to being squashed and/or crushed and/or sat or stood on top of, related to a fantasy for sexual gratification and that by sending these messages to Pupil A, he involved Pupil A in that fantasy.

Mr Cooke also accepted that his actions in taking Pupil A to the staff room for the purpose of [REDACTED], originated from this sexual fantasy.

He also accepted that his request to go with him to the Ha Ha to "[REDACTED]" as a sound effect for a TV show also related to this sexual fantasy. His request to Pupil C to [REDACTED] also related to this sexual fantasy.

Mr Cooke accepted that his comment "flickin ur bean" was a reference to female masturbation.

Mr Cooke does not dispute that he engaged in activity which was of a sexual nature, namely: sending messages to current and former pupils in which he referred to his own sexual fantasies; making requests to them in relation to such sexual fantasies; and engaging Pupil A in such a sexual fantasy [REDACTED]. He accepts that he was sexually motivated when he engaged in this conduct, in that it was done in pursuit of sexual gratification.

The panel has seen within the bundle extracts of internet searches confirming that [REDACTED] is known to be a sexual fetish.

In light of the sexual content of the messages sent by Mr Cooke, his explanation of them, the reports made by pupils and Mr Cooke's own admissions, the panel considered that Mr Cooke had engaged in sexually motivated conduct in that it was done in pursuit of sexual gratification as his actions related to his own sexual fantasies.

The panel found the following allegations not proved:

2. You failed to maintain appropriate professional boundaries towards Pupil B;

a. by asking her to accompany you to the Ha Ha to '[REDACTED]' as a sound effect for a film.

On 15 February 2022, Mr Cooke responded to the notice of referral admitting this allegation.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted this allegation.

Mr Cooke accepted that the accounts of two members of staff of Pupil B's report to them of 11 February 2021 provide an accurate account of events when Pupil B had been a student, that he had "asked her to go with him to the Ha Ha to '[REDACTED]' as a sound effect for a TV show". He further accepted that this amounted to a failure to maintain appropriate boundaries with Pupil B.

The panel has seen the notes of the two members of staff of the report made by Pupil B evidencing that the events alleged had taken place. The panel was not satisfied with the strength of this evidence given that it was hearsay and uncorroborated by any other evidence. Furthermore, there was no indication of when the matters alleged are said to have taken place, nor is there any context for the panel to assess the propriety, or otherwise, of the conduct.

The panel found this allegation not proven.

4. You failed to maintain appropriate professional boundaries towards one or more pupils, by commenting on their Instagram posts.

On 15 February 2022, Mr Cooke responded to the notice of referral admitting this allegation.

On 15 July 2022, in a statement of agreed facts, Mr Cooke also admitted this allegation.

Mr Cooke accepted that as recorded by two members of staff of a report by Pupil B, Mr Cooke had commented on pupils' Instagram accounts. He accepts that he made comments about female students' appearance, and used love heart emojis and smiley heart eye emojis on Instagram posts which featured female pupils wearing bikinis. Mr Cooke accepts that this demonstrated a failure to maintain professional boundaries.

The panel has seen the notes of the two members of staff of the report made by Pupil B evidencing that the events alleged had taken place. The panel was not satisfied with the strength of this evidence given that it was hearsay and uncorroborated by any other evidence. Furthermore, there was no indication of when the matters alleged are said to have taken place, the nature of the comments alleged to have been made, nor is there any context for the panel to assess the propriety, or otherwise of the conduct.

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

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

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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 Cooke fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Cooke's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual communication with a child was 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 unacceptable professional conduct.

The panel noted that some of the conduct found proven took place outside the education setting. With regards to the conduct found proven in allegations 2 and 3c, 3d and 3e involving Pupil B and C, this occurred at a time when they were no longer pupils of the School. However, the panel considered that Mr Cooke's conduct affected the way he fulfilled his teaching role given that he abused his professional position to advance his sexual fetishes.

Some of the conduct towards Pupil A and Pupil C (in relation of allegations 3a and 3b) occurred outside of School hours, and through an online medium. Irrespective of this, it occurred at a time when they were pupils of the School. The panel was satisfied that Mr Cooke's conduct affected the way he fulfilled his teaching role, since he had blurred the teacher pupil boundary and demonstrated a disregard for School policies. Furthermore, his actions exposed those pupils to his sexual fetishes.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct were serious. The panel considered that Mr Cooke's conduct with regard to both current and former pupils of the School would have a negative impact on the individual's status as a teacher, damaging the public perception of the profession.

The panel therefore found that Mr Cooke's proven conduct may bring the profession into disrepute.

Having found the facts of particulars 1, 2b, 3 and 5 proved, the panel further found that Mr Cooke's 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 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 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 protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils given the serious findings of sexually motivated conduct towards pupils and former pupils.

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

The public interest considerations present outweigh any contribution Mr Cooke may make to the teaching profession, since his actions have fundamentally undermined the trust placed in him.

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 Cooke.

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 Cooke. 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. Those behaviours relevant in this case are as follows:

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

misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

abuse of position or trust (particularly involving vulnerable pupils);

sexual misconduct, eg, 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; and

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).

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 Cooke's actions were not deliberate.

There was no evidence to suggest that Mr Cooke was acting under duress, and, in fact, the panel found Mr Cooke's actions to be sexually motivated.

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

Mr Cooke taught at the School since 2007 and the panel has not been made aware of any previous disciplinary findings or warnings against him. He has adduced no evidence attesting to his character or teaching ability.

Mr Cooke has stated that he apologises unreservedly for his past behaviours, that he is deeply ashamed and finds it difficult to understand how he came to let himself and other people down so badly.

He has admitted the allegations in their entirety for the purpose of these proceedings, although the panel noted that he made denials regarding his conduct during the course of the School's investigation. The panel was not satisfied that Mr Cooke has demonstrated that he had insight into the impact of this behaviours. He has referred to having lost a position that he loved, but has not demonstrated an understanding of the impact on pupils and the School. [REDACTED]. However, the panel noted that his actions spanned a number of years.

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 Cooke 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

Cooke. The nature of his communications with pupils and former pupils was sexually motivated, and on one occasion culminated in acting out his fantasies with a pupil in the School. This was a significant factor for the panel in forming its opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as 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. The panel found that Mr Cooke was responsible for sexually motivated conduct using his position to engage with pupils and former pupils for his own sexual gratification.

Whilst Mr Cooke has demonstrated remorse, his insight is not sufficient to provide comfort regarding the risk of repetition, particularly given that his actions spanned a number of years.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

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

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

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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 Cooke fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as the panel considered that Mr Cooke had engaged in sexually motivated conduct.

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 Cooke 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, "The panel was satisfied that Mr Cooke's conduct affected the way he fulfilled his teaching role, since he had blurred the teacher pupil boundary and demonstrated a disregard for School policies. Furthermore, his actions exposed those pupils to his sexual fetishes." 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, "Whilst Mr Cooke has demonstrated remorse, his insight is not sufficient to provide comfort regarding the risk of repetition, particularly given that his actions spanned a number of years." 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 Cooke were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding that Mr Cooke's conduct was sexually motivated 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 Cooke himself, the panel comment "There was no evidence that Mr Cooke has demonstrated exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector. Mr Cooke taught at the School since 2007 and the panel has not been made aware of any previous disciplinary findings or warnings against him. He has adduced no evidence attesting to his character or teaching ability."

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

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cooke 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 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 there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as 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. The panel found that Mr Cooke was responsible for sexually motivated conduct using his position to engage with pupils and former pupils for his own sexual gratification."

I have considered whether allowing a review period reflects the seriousness of the findings and is proportionate 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 sexually motivated conduct spanning a number of years and the lack of insight. 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 Anthony Cooke 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 Cooke 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 Cooke has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: John Knowles

Date: 13 October 2022

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