



Teaching
Regulation
Agency

Mr Joseph Long: Professional conduct panel meeting outcome

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

March 2023

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

Teacher:	Mr Joseph Long
Teacher ref number:	0140241
Teacher date of birth:	6 January 1954
TRA reference:	18966
Date of determination:	22 March 2023
Former employer:	Saint Augustine's Catholic School, Scarborough

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 22 March 2023, to consider the case of Mr Joseph Long.

The panel members were Ms Jackie Hutchings (teacher panellist – in the chair), Mrs Sharon Bhogal (teacher panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Long that the allegations be considered without a hearing. Mr Long 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 or Mr Long.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 4 January 2023.

It was alleged that Mr Long had been convicted, at any time, of a relevant offence in that on 21 April 2021, he was convicted at North Yorkshire Magistrates' Court of:

1. Two counts of making indecent photograph or pseudo-photograph of children on or between 19 April 2016 – 22 November 2019, contrary to s.1(a) of the Protection of Children Act 1978; and
2. One count of possession of extreme pornographic images, namely of intercourse/oral sex with dead/alive animal contrary to s.63(7)(d) and 67(3) of the Criminal Justice and Immigration Act 2008.

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: Notice of proceedings and response – pages 2 to 8

Section 2: Statement of Agreed Facts and Presenting Officer Representations – pages 9 to 16

Section 3: Teaching Regulation Agency documents – pages 17 to 25

Section 4: Teacher documents – pages 26 to 29

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 and dated 15 July 2022, by Mr Long. In the statement Mr Long admitted the allegations in full and that they amounted to relevant convictions.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Long 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 Long was employed as a teacher at St Augustine's Catholic School in Scarborough. On 22 November 2019, Mr Long was arrested by North Yorkshire Police on suspicion of possession of indecent images of children. He was arrested as an email address associated to him had uploaded a 'Category C' image of a young girl aged approximately 11 to 14 years old.

Mr Long's home was searched, and various electronic devices were seized by the police. He was released on conditional bail awaiting the examination of his devices. On 10 December 2019, the police made a referral to the TRA regarding the arrest.

Mr Long was subsequently charged with two offences of making indecent images (with one image at Category A and six images at Category C) and possession of an extreme pornographic image (namely a person performing an act of intercourse with a dog).

Mr Long appeared before North Yorkshire Magistrates' Court on 21 April 2021 and entered guilty pleas to the three charges. On 17 May 2021, Mr Long was sentenced to a two-year community order, including requirements to undertake an accredited sexual offending programme, up to 30 days of a 'rehabilitation activity requirement' and 180 hours unpaid work. Mr Long was also subject to the sex offender's register requirements for a period of five years and a sexual harm prevention order for five years.

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:

On 21 April 2021, you were convicted at North Yorkshire Magistrates' Court of:

- 1. Two counts of making indecent photograph or pseudo-photograph of children on or between 19 April 2016 – 22 November 2019, contrary to s.1(a) of the Protection of Children Act 1978; and**
- 2. One count of possession of extreme pornographic images, namely of intercourse/oral sex with dead/alive animal contrary to s.63(7)(d) and 67(3) of the Criminal Justice and Immigration Act 2008.**

The panel considered a Memorandum of Conviction from North Yorkshire Magistrates' Court date 17 May 2021, which set out these charges and confirm that a guilty plea was entered for each charge on 21 April 2021. It further set out the sentence and ancillary orders that were imposed on Mr Long. The Memorandum was consistent with the statement of agreed facts and other surrounding evidence.

The panel was satisfied that Mr Long's admission of this allegation was unequivocal and therefore found this allegation proved.

Findings as to conviction of a relevant offence

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

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 Long in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Long 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual's actions were relevant to 'teaching, working with children and/or working in an education setting' and that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public. Some of these offences involved sexualised images of children and all members of the profession hold a position of trust with pupils. The risk to those pupils had to be considered in this case.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Long's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

This was a case involving an offence of "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 any such activity, including one off incidents", which the Advice states is likely to be considered a relevant offence.

The panel noted that Mr Long's conviction did not lead to a sentence of imprisonment. The panel did not consider this factor as reducing the relevance of the conviction, for the reasons set out above in regards to the indecent images of children. In regard to the extreme pornography, the panel considered the wider public confidence of the profession factor should be given more weight than the fact that Mr Long did not receive a prison sentence in considering the relevance of the conviction.

In balancing these factors, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Long's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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 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 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;

In the light of the panel's findings against Mr Long, there was a strong public interest consideration in respect of the protection of pupils and the public given the risk of harm children could be exposed to by those involved in downloading sexual images of children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Long 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 Long 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 Long.

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 Long. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- 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;
- 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.
- 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.

The panel did not have any evidence before it which suggested the mitigation factors set out in the Advice were present in this case (for example, not acting deliberately, acting under duress and demonstrating high standards in teaching). Mr Long wrote to the TRA on 18 July 2022, setting out the following:

“Further to my Case being considered by the TRA I would suggest that the imposition of a Prohibition Order is unnecessary. I am already subject to registration on the SOR for five years. This will automatically place me on the disbarring register for the same period of time. At the end of this time I will be 72

years of age with no intention of returning to teaching. I would humbly suggest that the Prohibition Order would, in this circumstance, serve only to deepen my shame and add to my punishment.”

The panel recognised that Mr Long entered a guilty plea to the charges at the first opportunity in this case.

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 Long of prohibition. The panel noted Mr Long’s submission that other state agencies had made various restrictive orders against him and it would therefore be unnecessary. Whilst the panel accepted these other orders would likely serve the public interest in protecting the public and pupils from Mr Long’s actions, the TRA had to further consider the wider public interest in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct, which those other agencies did not consider. Therefore, the panel did not accept Mr Long's submission that a prohibition order would not be necessary.

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 Long. The inherent incompatibility between committing sexual offences involving children and the continuation of being a trusted member of society charged with safeguarding children was an important factor in that decision. 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 included: “any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child”.

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 Joseph Long should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Joseph Long 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The conduct of Mr Long, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include making indecent photograph or pseudo-photograph of children and possession of extreme pornographic images.

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 a relevant conviction, 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 Long, 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, "In the light of the panel's findings against Mr Long, there was a strong public interest consideration in respect of the protection of pupils and the public given the risk of harm children could be exposed to by those involved in downloading sexual images of children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel recognised that Mr Long entered a guilty plea to the charges at the first opportunity in this case." The panel has also commented that Mr Long's admission of the allegation was unequivocal.

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 Long's behaviour in committing the offence 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 finding of possession of sexual images of children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a 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 Long himself and the panel made reference to a submission Mr Long made in writing to the TRA, which set out "Further to my Case being considered by the TRA I would suggest that the imposition of a Prohibition Order is unnecessary. I am already subject to registration on the SOR for five years. This will automatically place me on the disbarring register for the same period of time. At the end of this time I will be 72 years of age with no intention of returning to

teaching. I would humbly suggest that the Prohibition Order would, in this circumstance, serve only to deepen my shame and add to my punishment.”

I have placed considerable weight on the following comment from the panel “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 Long of prohibition. The panel noted Mr Long’s submission that other state agencies had made various restrictive orders against him and it would therefore be unnecessary. Whilst the panel accepted these other orders would likely serve the public interest in protecting the public and pupils from Mr Long’s actions, the TRA had to further consider the wider public interest in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct, which those other agencies did not consider. Therefore, the panel did not accept Mr Long’s submission that a prohibition order would not be necessary.”

Although I have not seen reference to Mr Long’s teaching career and contribution to the profession, I have however considered that a prohibition order would prevent Mr Long from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

I have also placed considerable weight on the finding “The panel noted that Mr Long’s conviction did not lead to a sentence of imprisonment. The panel did not consider this factor as reducing the relevance of the conviction, for the reasons set out above in regards to the indecent images of children. In regard to the extreme pornography, the panel considered the wider public confidence of the profession factor should be given more weight than the fact that Mr Long did not receive a prison sentence in considering the relevance of the conviction.”

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

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

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

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these included: “any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child”.

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving sexualised images of children and the risk to pupils and children.

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 Joseph Long 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 Joseph Long 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 Joseph Long 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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 24 March 2023

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