



Teaching
Regulation
Agency

Mr Owen Jones: Professional conduct panel meeting outcome

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

February 2024

Contents

Introduction	3
Allegations	3
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	4
Findings of fact	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Owen Jones
Teacher ref number:	1752724
Teacher date of birth:	12/04/1992
TRA reference:	0020349
Date of determination:	19 February 2024
Former employer:	Hazelbury Primary School, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 19 February 2024 to consider the case of Mr Owen Jones.

The panel members were Mr Peter Barnsley (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Wendy Shannon (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan 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 a presenting officer, Mr Jones or any representative appointed on his behalf.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of referral dated 9 February 2024.

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

You were convicted at any time of a relevant offence in that:

1. On or around 8 October 2021, you were convicted at North London Magistrates' Court of the relevant offence of engaging in sexual communication with a child.

Mr Jones admitted the facts of the allegations and that the offence amounted to a conviction for a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised individual list – pages 2 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 16

Section 3: Statement of agreed facts and presenting officer representations – pages 23 to 29

Section 4: TRA documents – pages 30 to 47

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 31 August 2023.

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 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.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Findings of fact

The findings of fact are as follows:

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

You were convicted at any time of a relevant offence in that:

1. On or around 8 October 2021, you were convicted at North London Magistrates' Court of the relevant offence of engaging in sexual communication with a child.

The panel was presented with a statement of agreed facts, signed by Mr Jones, in which the allegation was admitted.

Mr Jones was previously employed as a Newly Qualified Teacher ("NQT") at Hazelbury Primary School ("the School") from 1 September 2018 until his resignation on 21 September 2021. At the point of resignation, Mr Jones had been suspended from the School since 26 February 2021.

Between 1 December 2020 and 24 January 2021, Mr Jones engaged in communication with Pupil A ([REDCATED]) via social media. The communication was sexualised in content. On an unknown date in December 2020 Mr Jones sent Pupil A an inappropriate photograph of himself in a sexually suggestive pose with his hands in his underwear close to his genitals.

On 16 February 2021 concerns were raised about the communications, and on 25 February 2021, a report was made to the Police. The pupil in question was [REDACTED]. Mr Jones was arrested that same day and made admissions, further stating that he [REDACTED]. There is some evidence that the child in question experienced [REDACTED].

Following a Police investigation and then prosecution, Mr Jones entered a guilty plea on 8 October 2021 to one count of engaging in sexual communication with a child.

On 17 December 2021, Mr Jones was sentenced at Wood Green Crown Court. The panel was presented with a certificate of conviction dated 25 August 2022 confirming the conviction.

The details of sentence were as follows:

- a. A term of imprisonment, totalling 8 months;
- b. A Sexual Harm Prevention Order for 10 years;
- c. A Sexual Offender Notification Order for 10 years; and
- b. [REDACTED].

The panel was presented with the sentencing remarks of the presiding judge sitting at Court, summarising the offences and the reasons for the sentence imposed.

The panel accepted the certificate of conviction as conclusive proof of the commission of this offence by Mr Jones.

In light of this and Mr Jones' admissions, it found the allegation proved.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to a conviction of a relevant offence, which Mr Jones admitted.

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

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

Further and in addition, the panel noted that, pursuant to the Advice it is likely that:

- A conviction for any offence that led to a term of imprisonment, including any suspended sentence will be considered “a relevant offence”.
- A conviction for any offence that relates to, or involves, sexual communication with a child will be considered “a relevant offence”.

Over and above these matters, the panel determined that Mr Jones’ actions were clearly relevant to teaching, working with children and working in an education setting. Each of these offences were very serious in nature and related to children.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Jones’ behaviour in committing this offence would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should be at the very core of the practice of a teacher with a duty of care towards children.

Mr Jones’ behaviour ultimately led to a term of imprisonment, which demonstrated the public and child protection issues engaged by his actions together with the other aspects of the sentence imposed.

The panel did not consider there to be any relevant mitigating circumstances in relation to the commission of these offences.

In conclusion and for all these reasons, the panel found that the seriousness of the offending behaviour that led to the conviction was directly relevant to Mr Jones’ ongoing suitability to teach. The panel considered that a finding that this conviction was for relevant offences 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 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 other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the nature of the offence for which Mr Jones was convicted and having regard to the specific context, with particular reference to the sentencing remarks, there was an extremely strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public. Mr Jones' actions raised obvious and significant public and child protection concerns.

The panel considered that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Jones was not treated with the utmost seriousness when regulating the profession. This was conduct that was extremely serious.

For the same reasons, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

Whilst no doubt had been cast upon Mr Jones' abilities as an educator, given the nature of the allegations in this case the panel concluded there was not a strong public interest consideration in retaining him in the profession.

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 set out below:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- 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;
- violation of the rights of pupils.

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 considered that the following mitigating factors are present in this case:

- Mr Jones appeared to have had an otherwise unblemished record. There was evidence of good character prior to his conviction.
- Although the panel was not presented with positive references or testimonials regarding his practice as a teacher, Mr Jones' abilities as an educator had not been challenged.
- Mr Jones had engaged with the TRA and made full admissions.

Weighed against this, the aggravating features in this case included that:

- Mr Jones' actions were deliberate and there was no evidence that he was acting under duress;
- Mr Jones was persistent in his communications to the child, and expressed his intention that the child view his sexually suggestive photograph;
- Mr Jones suggested moving communication from one social media platform to another which automatically deleted messages;

- It was the actions of the child which brought the conduct of Mr Jones to an end;
- Mr Jones' actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns;
- Mr Jones has been convicted of and sentenced for a serious offence involving a child, for which he received a custodial sentence of 8 months, was subject to a Sexual Harm Prevention Order and a Sex Offender Notification Order for 10 years; [REDACTED].
- His actions involved the potential for harm and abuse to children.

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.

Mr Jones' actions were fundamentally incompatible with his being a teacher. This was conduct at the serious end of the spectrum. The nature and gravity of this offence was a matter of significant concern.

Whilst the panel notes that Mr Jones' counsel made reference to him [REDACTED] in his mitigation submissions, the panel was not satisfied that there was no risk of Mr Jones repeating his offending.

There were, accordingly, particularly strong public interest considerations in this case in terms of the safeguarding and wellbeing of pupils and other members of the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

Mr Jones' behaviour led to him receiving a significant sentence, which is indicative of the seriousness of the offence.

The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Jones.

Accordingly, it 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.

These behaviours include any sexual misconduct involving a child, which was directly applicable in this case.

In light of this and the panel's comments, above, regarding the seriousness of these offences, the panel decided its findings indicated a situation in which a review period would not be appropriate.

The public interest considerations involved in this case were such that this was necessary, appropriate and proportionate.

Having regard to the nature of the offences and the sentence he received, Mr Jones' actions are fundamentally incompatible with his being a teacher.

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 the allegation 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 Owen 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

- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- 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 Jones fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a conviction for the relevant offence of engaging in sexual communication with 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 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 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 an extremely strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public. Mr Jones' actions raised obvious and significant public and child protection concerns." 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. The panel has noted that Mr Jones engaged with the TRA and made full admissions. It has also commented that "Whilst the panel notes that Mr Jones' counsel made reference to him [REDACTED] in his mitigation submissions, the panel was not satisfied that there was no risk of Mr Jones repeating his offending." In my judgement, the lack of evidence of full

insight and remorse 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 has observed, "...Mr Jones' behaviour in committing this offence would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should be at the very core of the practice of a teacher with a duty of care towards children." I am particularly mindful of the finding of sexual communication with a child 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. The panel has commented, "Mr Jones appeared to have had an otherwise unblemished record. There was evidence of good character prior to his conviction." It has also commented, "Although the panel was not presented with positive references or testimonials regarding his practice as a teacher, Mr Jones' abilities as an educator had not been challenged."

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

In this case, I have placed considerable weight on the panel's comments that "Mr Jones' actions were fundamentally incompatible with his being a teacher. This was conduct at the serious end of the spectrum. The nature and gravity of this offence was a matter of significant concern." As a result of his conduct, Mr Jones was convicted of and sentenced for a serious offence involving a child, for which he received a custodial sentence of 8 months and was made subject to a Sexual Harm Prevention Order and a Sex Offender Notification Order for 10 years.

I have also placed considerable weight on the lack of evidence of full insight and remorse and the panel's comments on the risk of Mr Jones repeating his offending.

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.

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 that the Advice sets out behaviours that militate against the recommendation of a review period. The panel has noted that "These behaviours include any sexual misconduct involving a child, which was directly applicable in this case."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the offences of which Mr Jones was convicted and received a custodial sentence, and the lack of evidence 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 Owen 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 allegation found proved against him, I have decided that Mr 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 Owen Jones 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 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 23 February 2024

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