



Teaching
Regulation
Agency

Mr James John Cooper: Professional conduct panel outcome

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

June 2024

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

Teacher:	Mr James John Cooper
Teacher ref number:	9439516
Teacher date of birth:	24 December 1971
TRA reference:	21213
Date of determination:	14 June 2024
Former employer:	Prosper Learning Trust, Newcastle upon Tyne

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 12 to 14 June 2024 by way of a virtual hearing, to consider the case of Mr James John Cooper (formerly known as Mr Mark John Jones at the time of the allegations but legally known as Mr James John Cooper since May 2024).

The panel members were Ms Rachel Curry (lay panellist – in the chair), Mrs Ashley Emmerson (teacher panellist) and Dr Lee Longden (former teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Ella Crine of Kingsley Napley solicitors.

Mr Cooper was present and was represented by Mr Michael Phillips of Andrew Storch Solicitors.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 28 March 2024.

It was alleged that Mr Cooper was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as Chief Executive Officer at Prosper Learning Trust:

1. On one or more occasions between or around 8 March 2021 and 15 June 2021, he uploaded indecent images of children to the internet.
2. In or around February 2022, a police search of his electronic devices found deleted files with file names suggesting that they contained indecent images of children.
3. On or around 17 June 2022, he received a Sexual Risk Order from Newcastle & Tynedale Magistrates Court in relation to the conduct as set out in paragraphs 1 and/or 2 above.

Mr Cooper admitted allegation 3 and denied allegations 1 and 2 as set out in the response to the notice of proceedings, signed by Mr Cooper on the 27 April 2024.

Preliminary applications

Application for part of the hearing to be heard in private

The panel considered an application from the teacher's representative that part of the hearing [REDACTED] should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Mr Cooper's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of additional documents.

The teacher's documents were 3 character reference statements.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application and noted that the presenting officer did not object to their admission.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

In addition, on day 1 of the hearing, an issue arose during Witness A's oral evidence with reference to an email which had not formed part of the bundle. Consequently, the teacher's representative requested a copy of the document referred to and Witness A and the presenting officer agreed to facilitate this request.

The panel received legal advice on paragraph 5.33 and 5.34 of the Procedures and exercised its discretion accordingly to include this document as part of the documentation for this hearing.

Application for Mr Cooper's witness, Witness B to attend the hearing during the second half of Mr Cooper's evidence

On day 2 of the hearing Mr Cooper's representative made an application for Witness B to attend the hearing as an observer part-way through Mr Cooper's evidence and for the duration of his cross-examination and re-examination evidence but after his evidence in chief which took place on day 1 of the hearing.

Witness B was also due to be called by the teacher's representative afterwards to act as a witness on Mr Cooper's behalf. The panel heard representations from Mr Cooper's representative on the issue of Witness B joining the hearing part-way through Mr Cooper's evidence. Mr Cooper's representative confirmed that Witness B had been unavailable for day 1 of the hearing which he stated was unfortunate but he also stated that he did not feel that it would be prejudicial to allow him to attend for day 2 and that

this would be in the interests of Witness B being able to give his best evidence at such time as he was called as a witness.

The panel received legal advice that paragraph 5.94 of the 2020 Procedures states that *“a witness may not be present in the hearing until the witness has competed giving evidence, and the panel has determined that it is unlikely to be necessary to recall the witness, unless the panel directs otherwise”*.

The presenting officer objected to Mr Cooper’s application for Witness B to attend the hearing but accepted that the panel has discretion to consider whether or not it would be in the interests of justice to allow Witness B to attend before being called as a witness and for the duration of Mr Cooper’s cross-examination and re-examination evidence but after his evidence in chief.

The panel considered the representations it heard from both parties. It acknowledged that this was an unusual situation; the usual procedure is that a witness may not be present in the hearing until they have given evidence. However, the panel took account of the interests of justice and of its discretion to allow Witness B’s attendance. In the circumstances and on this basis that the panel could not see that this would be prejudicial to either party, the panel directed that Witness B could remain in the hearing for Mr Cooper’s evidence and also to give his own witness evidence.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 4 to 6
- Section 2: Notice of proceedings and response – pages 7 to 13
- Section 3: TRA witness statements – pages 14 to 20
- Section 4: TRA documents – pages 21 to 302
- Section 5: Teacher representations – pages 303 to 324

In addition, the panel agreed to accept the following:

- Additional character reference statements – pages 325 onwards
- An email which came to light during Witness A’s oral evidence (as referred to in the applications above)

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing (save for the email document which was read by the panel during the hearing) and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A

The panel heard oral evidence from Mr Cooper and from Witness B on behalf of Mr Cooper.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 January 2018, Mr Cooper commenced employment as Chief Executive Officer at Prosper Learning Trust ('the Trust').

Between 8 to 10 March 2021, a series of indecent images of children were uploaded to the internet via KIK under Mr Cooper's user account, the account having been set up using Mr Cooper's email address.

On 15 June 2021, a second upload of indecent images of children occurred from a second user name which was created from an email address belonging to Mr Cooper.

On 1 October 2021, Mr Cooper was arrested and the police searched his work office based at Thomas Bewick School. A police interview with Mr Cooper took place. The IP address from which the images were uploaded was linked to Mr Cooper's home address.

On 4 October 2021, Mr Cooper was placed on a period of paid absence. A LADO strategy meeting was held. On 13 October 2021, 16 December 2021 and 10 April 2022 further LADO strategy meetings were held.

On 19 October 2021, Mr Cooper was suspended.

On 17 June 2022, a Sexual Risk Order (SRO) was made by Newcastle & Tynedale Magistrates Court for a period of two years.

On 5 July 2022 a Trust investigation meeting was held with Mr Cooper. On 11 July 2022, Mr Cooper was invited to a disciplinary investigation.

On 12 July 2022, Mr Cooper submitted his resignation and on 15 July 2022, Mr Cooper ceased work at the Trust.

On 2 November 2022, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

1. On one or more occasions between or around 8 March 2021 and 15 June 2021, you uploaded indecent images of children to the internet.

The panel noted that Mr Cooper denied this allegation.

The panel considered the police application for the SRO dated 10 June 2022, which set out that between 21:38pm on 8 March 2021 and 21:48pm on 10 March 2021 a series of indecent images of children were uploaded to the internet via the messaging platform KIK. KIK passed this information to the National Centre for Missing and Exploited Children (NCMEC) in the United States. This information was passed to Northumbria police on 13 April 2021.

The application stated that the IP address was used to identify the geographical address where the internet had been accessed. The application stated that the indecent images were graded as category A, B and C involving female children between the ages of 6 and 16 years of age.

The application set out that KIK closed down the first account but on 15 September 2021, another referral was made to the NCMEC relating to a second upload occurring on 15 June 2021, by a user whose account was created from the same email address as the first, with IP address once again linking to Mr Cooper's home address. The application stated that there were 22 images graded to be category A, B and C and included videos of a male child being tied to a bed by the ankle and then sexually abused, and a female child aged around one year old being sexually abused by an adult male. This information was passed to Northumbria police on 23 September 2021.

The panel considered the witness statement of Witness A, who stated that the concerns regarding Mr Cooper came to light on 1 October 2021 when Mr Cooper was arrested. She stated that on 4 October during the initial allegations against staff meeting, the police advised that they were notified by the National Crime Agency (NCA) that a notification was received indicating that indecent images had been uploaded from an IP address which came from Mr Cooper's house between 8 and 10 March 2021.

The panel also considered the SRO, which was made on the basis of the evidence in the application and noted that this was not contested at the time by Mr Cooper and had not subsequently been appealed.

In Witness A's oral evidence, she stated that on 1 October 2021 Mr Cooper's devices were seized including some of the Trust's property, namely electronic devices, which Mr Cooper had access to. Witness A was also aware that Mr Cooper's personal devices were seized from his home address at this time. She also stated that she was informed fairly early on in the process (around 13 October 2021) that no children from the Trust were involved and that none of the Trust's property had been used to access the images that the police had identified.

Witness A stated that during a disciplinary investigation meeting with Mr Cooper on 5 July 2022, he stated that he searched the internet for incidents where people had been attacked and that he looked for forums with people who had experienced similar incidents to him. She stated that Mr Cooper told her he wanted to find "*bad people*" to try and understand why people offend.

Witness A also stated that Mr Cooper had said that, although he wasn't going to dispute what the police had found, "*it wasn't what it seems*". Witness A inferred from Mr Cooper's explanation for what the police had found was that this was as a result of the [REDACTED] and that he had since sought to find "*bad people*" but that he had made "*a mistake and couldn't get the images out of [his] mind*". Witness A understood from this explanation about not being able to get the images out of his mind that Mr Cooper was referring to [REDACTED]. However, Witness A took Mr Cooper's comment regarding having made a "*mistake*" to be reference to the indecent images of children. Witness A stated that Mr Cooper had reiterated his professional commitment to his role and that he had said that he would "*never hurt anyone*".

The panel considered the oral evidence and written statement of Mr Cooper dated 1 May 2024, who stated that he denied that, on one or more occasions between or around 8 March 2021 and 15 June 2021, he uploaded indecent images of children to the internet. Mr Cooper stated that no evidence was found by the police of indecent images of children being uploaded to KIK from any device that he operated.

The panel noted Mr Cooper's oral evidence which was that he admitted to all but the sharing of images. Mr Cooper accepted to having a KIK account, that the account was his, that the IP address was his home, that he used KIK and engaged with people sharing images which he suspected contained indecent images of children and to using specific search terms. Although Mr Cooper denied having seen or uploaded images of children to the internet, he did accept that links or partial links were sent within the KIK application which were likely to contain indecent images. Mr Cooper explained this by saying that he needed to do this in order to get the "*bad people*" to engage in conversation with him but stated that he would remove letters and damage the links before sharing.

The panel considered Witness B's oral evidence which was that there was no way of being certain as to which device at Mr Cooper's home address was used to upload the

images referred to in the police application for the SRO. However, the panel noted that when Mr Cooper was asked whether he believed anyone else at his home address was responsible, he denied that this could be the case.

The panel noted that Mr Cooper denied having uploaded these images. However, the panel also considered the evidence provided by the police in support of the application for the SRO and the notes of two allegations against staff meetings convened by Newcastle City Council Childrens' Social Care, having first considered the admissibility and appropriate weight to attach to hearsay evidence.

This documentary evidence sets out that the police had in their possession images that facilitated them checking against the Child Abuse Image Database (CAID).

The panel noted that the police were able to categorise the images, say how many images there were, along with the time and date of the images, and that Mr Cooper denied that anyone else had access to his KIK account. The panel had no reason to doubt the police evidence which supported the application for an SRO and which was detailed in the allegation against staff meeting minutes.

The panel found that, on the balance of probabilities, Mr Cooper was more likely than not to have uploaded indecent images of children to the internet between or around 8 March 2021 and 15 June 2021.

The panel found allegation 1 proven.

2. In or around February 2022, a police search of your electronic devices found deleted files with file names suggesting that they contained indecent images of children.

The panel noted that Mr Cooper denied this allegation.

The panel considered the application for an SRO dated 10 June 2022, which set out that, upon completion of the digital forensic examination around February 2022, no indecent images of children were present on any of the devices seized, but there was further information to support that the devices had been used to upload indecent images of children to the internet.

The application stated that 2 iOS iPhone devices had at some point been connected to a hard drive, and the material on the iPhones had been transferred onto the hard drive. Both iPhones at the time of the transfer, were named 'Mark's iPhone'. The application stated that also present on the iPhones were social media accounts and messaging applications which made it clear the devices had been used by Mr Cooper. In Mr Cooper's oral evidence, he confirmed having used both iPhones and the other devices seized by the police at the time of the arrest. The application confirmed, and Mr Cooper

accepted, that the devices both previously had the KIK application installed and then deleted.

The panel considered the oral evidence of Witness A who stated that she had no reason to doubt the information provided by the police in the course of their investigation.

The panel considered the oral evidence and written statement of Mr Cooper dated 1 May 2024, who stated that he denied that in or around February 2022, a police search of his electronic devices found deleted files with file names suggesting that they contained indecent images of children.

Mr Cooper stated that he never opened or stored any indecent images of children on his devices, he stated that no deleted indecent images of children files were recovered by the police, only file titles that were indicative of relating to child abuse.

The panel considered the oral evidence of Witness B regarding the definition of a file and the difference between files and file names. The panel noted from Mr Cooper's oral evidence that he admitted to having interacted with a link which he suspected contained indecent images of children. Mr Cooper also stated in his oral evidence that he was shocked by one particular file name that was used and to having copied, pasted and saved this to the notes application on his iPhone. The panel considered therefore that Mr Cooper had accepted that he had saved this onto his computer which he stated was with a view to reporting it. However, the panel noted that Mr Cooper confirmed in his oral evidence that he had not reported it and admitted to having deleted this from the notes on his iPhone.

The panel considered the police application for an SRO alongside Mr Cooper's oral evidence within which he admitted to having interacted with the file by saving it to his device. The panel noted that in the application for the SRO it was detailed that deleted files were found which clearly contained indecent images of children which was clear from the file name descriptions which were graphic in content. The panel has been given insufficient reason to doubt the accuracy of this evidence.

The panel noted that, whilst they found Witness B to be a credible and reliable witness in the evidence that he gave, the panel noted that he had not examined Mr Cooper's devices and had carried out a paper based forensic examination. The panel also noted that Mr Cooper had not seen the police report and was therefore unable to comment further on this evidence.

The panel considered the balance of probabilities test in reaching its findings on this allegation and found that it was more likely than not that a police search of Mr Cooper's electronic devices found deleted files with file names suggesting they contained indecent images of children.

The panel found allegation 2 proven.

3. On or around 17 June 2022, you received a Sexual Risk Order from Newcastle & Tynedale Magistrates Court in relation to the conduct as set out in paragraphs 1 and/or 2 above.

The panel noted that Mr Cooper admitted this allegation.

The panel considered the SRO included within the bundle.

The SRO dated 17 June 2022, from Newcastle & Tynedale Magistrates Courts, set out that the order was to be made for 2 years and Mr Cooper was subject to a number of prohibitions and/or requirements.

The panel considered the witness statement of Witness A, who stated that on 20 June 2022 she was informed by the LADO that Mr Cooper had been issued with an SRO on 17 June 2022. She stated that during a meeting with Mr Cooper, he stated that he would not dispute anything they had from the police. Witness A clarified in her oral evidence that the date of 31 October 2022 in her witness statement, which was Mr Cooper's request to resign from his role at the Trust, should in fact be 31 August 2022.

The panel also noted that in Mr Cooper's oral evidence he accepted that he was under an SRO and that this was due to expire in a matter of days. The panel noted that Mr Cooper had not sought to challenge, appeal or overturn the SRO either at the time the order was made or subsequently. However, the panel did note that Mr Cooper explained the reason for not challenging the SRO at the time it was made was because he was anxious to return to his home and family as soon as possible, and he has not subsequently appealed the SRO because he has not felt that the SRO has had a significant impact on his day-to-day activities.

The panel noted that Mr Cooper's consent was not necessary for the making of the SRO, and that the relevant Court had determined it to be necessary in light of the evidence that was provided in support of the application.

The panel found allegation 3 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Cooper, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Cooper 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
 - ...at all times observing proper boundaries appropriate to a teacher's professional position.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- 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 Cooper amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Cooper's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that although allegations 1, 2 and 3 took place outside the education setting, they were relevant to Mr Cooper's profession as a teacher in that he uploaded indecent images of children to the internet and received an SRO.

Accordingly, the panel was satisfied that Mr Cooper 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 that they behave.

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

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

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Mr Cooper'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.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Cooper, which involved uploading indecent images of children to the internet and receiving an SRO there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

The panel recognised that there was some evidence that Mr Cooper had made a significant contribution to education in his role as a headteacher and CEO. However, the

panel did not consider that this outweighed the seriousness of Mr Cooper's behaviours outside the education setting related to the allegations found proved.

In view of 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 Cooper. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Cooper. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or 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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences...;

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 to suggest that Mr Cooper's actions were not deliberate.

Whilst the panel did acknowledge that Mr Cooper had clearly experienced a series of traumatic events leading up to the allegations, that had a [REDACTED] there was no evidence to suggest that Mr Cooper was acting under extreme duress. The panel considered Mr Cooper's actions to be calculated and motivated.

Although the panel noted that Mr Cooper had demonstrated some degree of remorse for the disruption that had resulted on his and his family's life, the panel was not satisfied that Mr Cooper had demonstrated any insight into, or remorse about, the potential harm caused to young people by engaging online with "*bad people*" in the manner found proven.

The panel considered the oral evidence and written statement of Mr Cooper. Mr Cooper stated that [REDACTED]

Mr Cooper stated that he began to search the internet to find reports [REDACTED] in the news, and that his searches became [REDACTED]

The panel further considered the statement of [REDACTED] dated 17 May 2024. [REDACTED] set out, in her statement, that despite not being qualified to make the [REDACTED] in her opinion Mr Cooper may have been [REDACTED]

[REDACTED] submitted that Mr Cooper [REDACTED] and genuinely seems contrite about his past actions. She stated that Mr Cooper has lost a considerable part of his previous life, including losing his job in education, but he has demonstrated considerable determination in securing other employment in order to provide for his family.

The panel considered the character reference of [REDACTED] submitted on behalf of Mr Cooper. [REDACTED] knew Mr Cooper in both a professional and personal capacity. The panel noted the following comments in particular:

- *“he has shown great determination in standing up for and providing the right environment for students”.*
- *“he has dedicated a significant amount of his teaching career for working with vulnerable students”.*

The panel also considered the character references from Mr Cooper’s family and friends who commented on Mr Cooper having a good relationship with his own and their 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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Cooper 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 Cooper. The severity of Mr Cooper’s behaviour and the lack of sufficient insight and/or remorse into this were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes: any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Cooper was responsible for: uploading indecent images of children to the internet; having deleted files with file names suggesting that they contained indecent images of children; and receiving an SRO.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. Whilst none of those behaviours listed in the Advice applies in this case, the panel recognised that this is not an exhaustive list.

The panel also took account of the way in which the public would perceive allegations of this nature for someone with this level of seniority in an education setting and the associated impact that enabling a return to the profession would have.

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 unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr James John Cooper (known as Mr Mark John Jones at the time of the alleged misconduct) should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Cooper 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
 - ...at all times observing proper boundaries appropriate to a teacher's professional position.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- 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 Cooper fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include uploading indecent images of children to the internet, including a video of a female child aged around one year old being sexually abused by an adult male, as well as Mr Cooper being the subject of a Sexual Risk Order.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Cooper, 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 comments that:

“In the light of the panel's findings against Mr Cooper, which involved uploading indecent images of children to the internet and receiving an SRO there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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 it sets out as follows:

“Although the panel noted that Mr Cooper had demonstrated some degree of remorse for the disruption that had resulted on his and his family’s life, the panel was not satisfied that Mr Cooper had demonstrated any insight into, or remorse about, the potential harm caused to young people by engaging online with “*bad people*” in the manner found proven.”

In my judgement, the lack of evidence of full insight demonstrated by Mr Cooper 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 observes that: “The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the finding of uploading indecent images of children to the internet in this case and the serious negative impact that such a finding could have 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 and conduct that may bring the profession into disrepute, 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 Cooper himself. The panel notes the following:

“The panel recognised that there was some evidence that Mr Cooper had made a significant contribution to education in his role as a headteacher and CEO. However, the panel did not consider that this outweighed the seriousness of Mr Cooper’s behaviours outside the education setting related to the allegations found proved.”

The panel also records having seen evidence attesting to Mr Cooper’s commitment to his students and his positive relationships with children.

A prohibition order would prevent Mr Cooper 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 very serious nature of the misconduct found by the panel. I have also placed weight on the lack of evidence that Mr Cooper has attained full insight into the potential harm that his behaviour could cause to others.

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

In doing so the panel has referred to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes: any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child.

I have considered whether a 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 very serious nature of the misconduct found, which in my judgment is fundamentally incompatible with working as a teacher, and the lack of evidence that Mr Cooper has attained full insight into and remorse for his actions.

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 James John Cooper 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 Cooper 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 Cooper 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 "Marc Cavey", enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 19 June 2024

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