



Teaching
Regulation
Agency

Mr Adam Lowery: Professional conduct panel outcome

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

July 2024

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

Teacher:	Mr Adam Lowery
Teacher ref number:	9640504
Teacher date of birth:	1 September 1970
TRA reference:	20024
Date of determination:	2 July 2024
Former employer:	Rainford High School, St Helens

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 1 to 2 July 2024 by way of a virtual hearing, to consider the case of Mr Adam Lowery.

The panel members were Ms Susan Ridge (lay panellist – in the chair), Mr Francis Murphy (teacher panellist) and Ms Tanya Callman (lay panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Shannon O'Connor of Capsticks LLP solicitors.

Mr Lowery was present and was represented Mr Jonathan Storey of Counsel, instructed by Ms Alicia Pimblett of the NEU.

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 20 March 2024.

It was alleged that Mr Lowery was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while employed at Rainford High School, previously called Rainford High Technology College ('the School'):

1. In or around March 2021, he provided Pupil A with copies of the exam questions and marking schemes for the following:
 - a. [REDACTED] biology exam to be sat week commencing 29 March 2021;
 - b. [REDACTED] physics exam to be sat week commencing 29 March 2021;
 - c. [REDACTED] chemistry exam to be sat week commencing 29 March 2021;
2. On or around 31 March 2021 he sat as an invigilator in a physics exam, when he knew that Pupil A who was sitting the exam;
 - a. had been given a copy of the exam questions and marking schemes in advance;
3. His conduct as may be found proven at any or all of allegations 1 and 2 was dishonest.

The panel noted that Mr Lowery admitted the particulars of allegations 1, 2 and 3, as set out in the statement of agreed facts, signed by Mr Lowery on 19 June 2024.

Preliminary applications

Application for part of the hearing to be heard in private

The panel considered an application from Mr Lowery 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 parts of the hearing, which were 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 Lowery'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.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6
- Section 2: Notice of proceedings and response – pages 7 to 27
- Section 3: Statement of agreed facts – pages 28 to 34
- Section 4: TRA witness statements – pages 35 to 42
- Section 5: TRA documents – pages 43 to 202
- Section 6: Teacher statement and documents – pages 203 to 282

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

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

- Witness A, [REDACTED]
- Witness B, [REDACTED]

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 29 April 2019, Mr Lowery commenced employment at the School.

On 19 April 2021, Pupil A was interviewed by the School regarding his exam results. Mr Lowery was invited to a management meeting and was informed that Pupil A had admitted to cheating on the exam.

On 29 April 2021, a formal disciplinary investigatory meeting was held with Mr Lowery.

On 30 April 2021, Mr Lowery resigned from his employment at the School.

On 21 May 2021, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

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

1. In or around March 2021, you provided Pupil A with copies of the exam questions and marking schemes for the following:

- a. [REDACTED] biology exam to be sat week commencing 29 March 2021;**
- b. [REDACTED] physics exam to be sat week commencing 29 March 2021;**
- c. [REDACTED] chemistry exam to be sat week commencing 29 March 2021;**

The panel noted that Mr Lowery admitted these allegations.

The panel had sight of Pupil A's completed exam papers and noted that Pupil A scored 44/45 in biology, 44/45 in chemistry and 41/46 in physics. The panel also had sight of the marking schemes for each paper and noted that Pupil A's written answers in particular used almost the exact wording as that on the marking scheme.

The panel considered the oral evidence and written statement of Witness A, who stated that concerns regarding Pupil A's exams were brought to his attention by Individual E, [REDACTED]. He stated that three science teachers had identified independently that Pupil A's scores were "*extraordinarily high*" and there was a "*very strong correlation to the marking scheme*" that the teachers found suspicious.

Witness A submitted that he went through Pupil A's answers and noticed a "*significant correlation*" between the answers given by Pupil A and the marking scheme. Witness A stated that it is "*unusual for answers requiring a written response to be so precise to the mark scheme*".

Witness A stated that it was considered possible that Mr Lowery had given “*copies of the paper*” to Pupil A as there was “*no other reasonable explanation for this to be possible*”. He stated that it was otherwise difficult to explain how Pupil A had obtained the mark scheme for an examination that was not publicly available and that this was also confirmed by Pupil A’s admission.

Witness A explained that the School use software called Exam Pro which is available to staff but not pupils. He stated that the science department created the examination papers from this software in advance of the examination period. Witness A submitted that the papers were distributed to all members of the team, including Mr Lowery.

Witness A stated that on 19 April 2021 he interviewed Pupil A who “*denied that there was anything untoward with his score*” and said that his results were due to his hard work. Witness A stated that he stepped out of the meeting, and it was then that Pupil A admitted to Witness B and Individual D that Mr Lowery had provided him with copies of the exam papers and marking schemes. Witness A was told about Pupil A’s admission by Witness B.

Witness A stated that in a meeting on 29 April 2021, Mr Lowery admitted that he had provided Pupil A with copies of the exam papers and the answers.

The panel considered the oral evidence and written statement of Witness B, who stated that Witness A had sent him Pupil A’s completed science papers, and that when he looked at them the answers looked “*very suspicious*”. Witness B stated that there was a “*sudden increase in marks which was out of character for Pupil A*”, and that the answers were “*close or exact to those on the marking schemes*”, and some answers were not in sentences but rather just key words as they appear in a marking scheme. He submitted that this was the same for all three science papers.

Witness B stated that he interviewed Pupil A on 19 April 2021, when Pupil A originally denied the allegation but then informed him that Mr Lowery had given him the exam papers and marking schemes, and that Pupil A had then written down the answers on a piece of paper and taken them into the exam.

Witness B stated that Pupil A informed him that Mr Lowery had given him the “*papers and marking schemes [REDACTED]*” and walked off without saying anything. He stated that Pupil A said he was “*struggling with revision and was scared of not meeting the expectations*”, and he cheated due to the pressures to do well and not having enough time to prepare for his exams.

Witness B submitted that he interviewed Mr Lowery on 19 April 2021. He stated that Mr Lowery denied that he had given Pupil A “*the papers*”, but then explained that he had prepared Pupil A using the Exam Pro software, and he had given “*a booklet*” a few days before the exam. Witness B stated that Mr Lowery told him he gave Pupil A a variety of

exam questions and marking schemes, but Mr Lowery did not, at that date, admit to giving Pupil A the actual exam paper and marking schemes.

At an investigatory meeting on 29 April 2021, Witness B stated that Mr Lowery admitted that he provided Pupil A with a booklet with template questions and answers and that he pointed out to Pupil A which of those questions would appear on the exam. He stated that Mr Lowery explained that he printed out a series of questions and produced the booklet himself. Witness B stated that Mr Lowery “*admitted that he had lied about the incident when first interviewed on 19 April 2021 as he was both terrified and ashamed*”.

Witness B stated that Mr Lowery informed him that Pupil A was struggling with work and so he wanted to help him.

The panel considered the oral evidence of Mr Lowery that he arranged to meet with Individual C, [REDACTED] at the time, on 21 April 2021 to “*apologise for my behaviour and what I had done*”. Mr Lowery stated he had a “*full and frank honest behind closed doors*” discussion with Individual C to apologise because he “*thought it was the right thing to do*”. The panel noted that there was no documentary evidence to support this oral evidence but on balance found Mr Lowery’s oral testimony to be compelling.

Based on all of the evidence available, including the statement of agreed facts, the panel was satisfied that Mr Lowery did provide Pupil A with copies of the exam questions and marking schemes for [REDACTED] exams in biology, physics and chemistry which were sat in the week commencing 29 March 2021. The panel therefore found allegations 1(a), 1(b) and 1(c) proven.

2. On or around 31 March 2021 you sat as an invigilator in a physics exam, when you knew that Pupil A who was sitting the exam;

a. Had been given a copy of the exam questions and marking schemes in advance;

The panel noted that Mr Lowery admitted this allegation and accepted that he invigilated the physics exam that Pupil A sat on 31 March 2021.

The statement of agreed facts states “*The Teacher admits that he sat as an invigilator in a Physics exam, when he knew that Pupil A, who was sitting the exam, had been given a copy of the exam questions and marking schemes in advance*”.

The panel considered the oral evidence and written statement of Witness A, who stated that he “*can confirm Mr Lowery did invigilate*” the physics exam on 31 May 2021, and that there were no other invigilators as this was a classroom held exam.

Based on all of the evidence available, the panel was satisfied that allegation 2 was found proven.

3. Your conduct as may be found proven at any or all of allegations 1 and 2 was dishonest.

The panel noted that Mr Lowery admitted this allegation.

The panel considered whether Mr Lowery had acted dishonestly in relation to the proven facts of allegations 1(a), 1(b), 1(c) and 2(a). In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Lowery's knowledge or belief as to the facts. By his own admission, Mr Lowery deliberately and knowingly provided copies of the exam questions and marking schemes to Pupil A and knew this whilst he was sitting as an invigilator in Pupil A's physics exam. Mr Lowery admitted that, in doing so, he was dishonest.

The panel considered that, given Mr Lowery's experience as a teacher, there could be no doubt that he knew his actions were dishonest.

Next, the panel considered whether Mr Lowery's conduct was dishonest by the standards of ordinary decent people. The panel found that Mr Lowery was objectively dishonest by providing copies of the exam questions and marking schemes to Pupil A and then sitting as an invigilator in Pupil A's physics exam. The panel considered that the actions of Mr Lowery had undoubtedly been dishonest according to the standards of ordinary decent people.

The panel therefore 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 proven 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 Lowery, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Lowery 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Lowery amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel was of the view that honesty is a basic moral quality expected of all members of the teaching profession, and Mr Lowery had failed to uphold the standards of behaviour expected of him.

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

The panel also considered whether Mr Lowery's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel considered whether Mr Lowery's behaviour amounted to fraud or serious dishonesty but concluded that it did not and therefore found that none of these offences were relevant.

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 panel was mindful that members of the teaching profession are in a position of trust and are expected to act with integrity and honesty and set a positive example for pupils to aspire to. Mr Lowery's conduct was entirely contrary to this.

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

The panel therefore found that Mr Lowery'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 Lowery'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 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.

The panel's findings against Mr Lowery involved providing Pupil A with copies of the exam questions and marking schemes for the [REDACTED] biology, physics and chemistry exams, invigilating the physics exam and in relation to these allegations, acting dishonestly. In light of these findings, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lowery 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 Lowery was outside that which could reasonably be tolerated.

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 Lowery. 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 Lowery. 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.

The panel noted the following from the Advice when determining the seriousness of the behaviour:

“In considering the seriousness of the behaviour, it is important to consider the influential role that a teacher can play in the formation of pupils’ views and behaviours. The level of trust and responsibility that members of the teaching profession hold means that the expectation, of both the public and pupils, is that all members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. A teacher’s behaviour that seeks to exploit their

position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest, even if no criminal offence is involved.”

In light of the above, the panel determined that Mr Lowery’s behaviour in this case should be viewed very seriously as he was found to have exploited his position of trust.

The panel also considered the list of such behaviours at paragraph 39 of the Advice, and noted those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers’ Standards;
- abuse of position or trust (particularly involving pupils);
- dishonesty or a lack of integrity;
- collusion or concealment including:
 - encouraging others to break rules;
- deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment (or deliberate collusion in or deliberate concealment of such action) particularly where the action had, or realistically had the potential to have, a significant impact on the outcome of the examination assessment.

Even though the behaviour found proved in this case was serious enough to indicate 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 found that Mr Lowery’s actions were deliberate. There was no evidence to suggest that Mr Lowery was acting under extreme duress.

The panel considered Mr Lowery’s written statement, where he stated that during the 2020 to 2021 academic year he suffered a number of personal pressures, [REDACTED]. Mr Lowery further stated that due to the uncertainties of the pandemic, schools were under pressure and the process of internal examinations was new to everyone.

Mr Lowery explained that at the time Pupil A was struggling with the preparation of the exams, [REDACTED]. He stated that Pupil A [REDACTED] a few days prior to the exam, and so Mr Lowery wanted to help him.

The panel was provided with evidence to attest to Mr Lowery’s history and ability as a teacher. Mr Lowery provided written character references from the following individuals:

- A reference from Individual F, [REDACTED], dated 23 May 2024 which contained positive comments including *“I have only ever known Mr Lowery as a person of complete integrity and someone who has always offered a lot to the teaching profession”*.
- A reference from Individual G, [REDACTED], dated 5 June 2024 which also contained positive comments including *“He was a very good teacher, who was respected and liked by staff, pupils and the entirety of the school community.”*
- An undated reference from Individual H, [REDACTED], which stated *“Mr Lowery was a strong and effective disciplinarian and students liked this. He had that knack of being able to win students over, even the most reluctant, enabling them to learn and nurturing their talents.”*
- A reference from Individual I, [REDACTED], dated 12 June 2024. Again, the reference contained positive comments including *“I found Mr Lowery to be trustworthy, hardworking and intelligent”* and *“Mr Lowery always exhibited the highest professional standards, in fact he modelled the high expectations that he held of all his colleagues.”*
- A reference from Individual J, [REDACTED], dated 17 June 2024 which contained positive comments including *“I believe Mr Lowery to be an outstanding example and role model to students and staff alike.”* and *“Mr Lowery was a fantastic, supportive, energetic and trustworthy colleague. He always sought to support those around him, and this was reciprocated by those in the school community”*.

The panel noted that all of the referees stated above were [REDACTED] from Mr Lowery’s time spent teaching at [REDACTED] but they indicated in their references that they were aware of the allegations against Mr Lowery.

The panel accepted that Mr Lowery had provided a positive contribution to the teaching profession. He had a clear talent and strength in respect of sports coaching and supporting young people to exceed in sporting achievements. The panel believed that Mr Lowery had a genuine interest in educating children and a clear passion for supporting children to achieve their full potential.

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 mindful of the importance of integrity in respect of external qualifications and fair examination processes. The panel accepted the significant impact of the COVID-19 pandemic on normal examination practices, however, considered that this did not affect the seriousness of Mr Lowery’s actions.

The panel noted that this was not an isolated, one-off incident but involved a continuing act of dishonesty from when Mr Lowery provided Pupil A with copies of the exam questions and marking schemes until at least 31 March 2021 when he sat as an invigilator in Pupil A's physics examination. The panel considered Mr Lowery had an opportunity to reflect upon his actions between these two incidents and his failure to act honestly throughout this period affected the seriousness of the misconduct.

Having heard oral evidence from Mr Lowery, the panel was convinced that he understood the gravity of his misconduct and did not consider there was a risk of him repeating similar misconduct. When asked whether he would do anything differently with the benefit of hindsight, Mr Lowery stated he "*should have sought help*" and "*should have asked for support and time off*".

The panel also found Mr Lowery's oral testimony to express significant insight and remorse when he stated, "*I don't think I was thinking clearly*". When asked if his judgement was affected, Mr Lowery responded "*I think it must have been as it was certainly out of character*". The panel accepted Mr Lowery's frank reflections in his oral evidence, stating "*I have never forgiven myself for it...it has been preying on my mind a lot...I have let down my community, school and those I hold dearest to me*". Mr Lowery also stated his actions were "*utter stupidity*" and there was "*no day when I don't regret it*". However, notwithstanding the level of insight and remorse, the panel held that the seriousness of the misconduct was such that it was still proportionate to recommend a prohibition order.

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 Lowery of prohibition.

The panel acknowledged the representations made on behalf of Mr Lowery regarding the impact on him of the significant period of time that elapsed between Mr Lowery's misconduct and the hearing in these proceedings and the stress that this may have caused. However, the panel noted that Mr Lowery had not been unable to teach throughout this period and any delay did not affect the panel's view that prohibition was still both proportionate and appropriate.

The panel decided that the public interest considerations outweighed the interests of Mr Lowery. The seriousness of the misconduct was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes fraud or serious dishonesty but the panel did not find Mr Lowery's behaviour to amount to serious dishonesty.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a 2 year review. The panel considered that a review period of 2 years was appropriate given Mr Lowery's conduct.

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 conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Adam Lowery should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Lowery 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.
- 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 Lowery fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of providing a pupil with copies of exam questions and marking schemes, invigilating one of the exams, and dishonesty.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to 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 Lowery, and the impact that will have on the teacher, is proportionate and in the public interest.

The panel has not raised any issues regarding the protection of children and safeguarding of pupils. However, the panel has noted the potential influence on pupils of a teacher's behaviour that seeks to exploit the teacher's position of trust. The panel has observed:

“The panel was mindful that members of the teaching profession are in a position of trust and are expected to act with integrity and honesty and set a positive example for pupils to aspire to. Mr Lowery's conduct was entirely contrary to this.”

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 said that it “was convinced that he understood the gravity of his misconduct and did not consider there was a risk of him repeating similar misconduct” and that it “found Mr Lowery's oral testimony to express significant insight and remorse”. I have therefore given this element some 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 that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lowery was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the findings of contravening examination requirements and dishonesty 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 unacceptable professional conduct or conduct likely to 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 Lowery himself. The panel was provided with evidence which attested to Mr Lowery’s history and ability as a teacher, including written character statements from [REDACTED] which contained positive comments. The panel has commented that it “accepted that Mr Lowery had provided a positive contribution to the teaching profession.”

A prohibition order would prevent Mr Lowery 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 concerning the seriousness of the misconduct found proven. The panel has said:

“The panel noted that this was not an isolated, one-off incident but involved a continuing act of dishonesty from when Mr Lowery provided Pupil A with copies of the exam questions and marking schemes until at least 31 March 2021 when he sat as an invigilator in Pupil A’s physics examination. The panel considered Mr Lowery had an opportunity to reflect upon his actions between these two incidents and his failure to act honestly throughout this period affected the seriousness of the misconduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lowery 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 a two-year review period. I have considered the panel’s comments:

“The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these

behaviours includes fraud or serious dishonesty but the panel did not find Mr Lowery's behaviour to amount to serious dishonesty."

I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

I have decided that a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Adam Lowery is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 06 July 2026, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Lowery remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Lowery 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: 3 July 2024

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