



Teaching
Regulation
Agency

Mr Daniel Jones: Professional conduct panel meeting outcome

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

October 2024

Contents

Introduction	3
Allegations	4
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	10

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

Teacher:	Mr Daniel Jones
Teacher ref number:	1078117
Teacher date of birth:	28 May 1987
TRA reference:	20367
Date of determination:	25 October 2024
Former employer:	Pelham Primary School, Wimbledon

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 25 October 2024 by way of a virtual meeting, to consider the case of Mr Daniel Jones.

The panel members were Ms Joanna Hurren (teacher panellist – in the chair), Mr Peter Whitelock (lay panellist) and Mrs Jane Brothwood (lay panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts 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 Daniel Jones that the allegation be considered without a hearing. Mr Daniel 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 the presenting officer, Cyale Bennett of Browne Jacobson LLP, Mr Jones or any representative for Mr Jones.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegation set out in the notice of meeting dated 1 August 2024.

It was alleged that Mr Jones was guilty of having been convicted of a relevant offence, in that on or around 23 November 2023 he was convicted of the following offences:

1. Three counts of making indecent photograph or pseudo-photograph of children on 27/10/21 contrary to the Protection of Children Act 1978 s.1(a).

Mr Jones admitted allegation 1 and that his conduct amounted to the conviction of a relevant offence as set out in the statement of agreed facts signed by Mr Jones on 8 July 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Notice of referral, response and notice of meeting – pages 3 to 26
- Section 2: Statement of agreed facts and presenting officer representations – pages 28 to 32
- Section 3: TRA documents – pages 34 to 60
- Section 4: Teacher documents – page 62

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 8 July 2024, and subsequently signed by the presenting officer on 10 July 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Jones for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Jones commenced employment at Pelham Primary School ('the School') on 1 September 2018.

On 27 October 2021, Mr Jones' devices were seized by the Metropolitan Police and were forensically examined.

On 1 November 2021, Mr Jones was arrested following the discovery of indecent images of children on his laptop. The matter was referred to the TRA on the same date.

Mr Jones resigned from his position at the School on 7 January 2022.

On 23 November 2023, Mr Jones pleaded guilty and was convicted at Southwark Crown Court of three counts of making indecent photographs or pseudo-photographs of children on 27 October 2021 contrary to the protection of children act 1978 s.1(a).

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:

1. Three counts of making indecent photograph or pseudo-photograph of children on 27/10/21 contrary to the Protection of Children Act 1978 s.1(a).

The panel considered the statement of agreed facts signed by Mr Jones on 8 July 2024. In that statement of agreed facts, Mr Jones admitted the allegation. Further, it was admitted that the facts of the allegations amounted to a conviction of a relevant offence. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Southwark Crown Court dated 10 May 2024 which detailed that Mr Jones had been convicted of 3 offences of making indecent photograph/ pseudo-photograph of a child. The panel noted that Mr Jones pleaded guilty to the offences.

In respect of the 3 offences, Mr Jones was sentenced to:

1. 8 months suspended imprisonment, suspended for 21 months, drug rehabilitation for 12 months, 80 hours of unpaid work, sex offenders notice for 10 years, sexual harm prevention order for 10 years and to pay a victim surcharge of £156.
2. 6 months suspended imprisonment, suspended for 21 months, rehabilitation for 30 days, 80 hours of unpaid work, sex offenders notice for 10 years, sexual harm prevention order for 10 years
3. 4 months suspended imprisonment, suspended for 21 months, rehabilitation for 30 days, 80 hours of unpaid work, sex offenders notice for 10 years, sexual harm prevention order for 10 years

On examination of the documents before the panel and the admissions in the signed statement of facts, the panel was satisfied that the facts of allegation 1 were proven.

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 conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- 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 noted that although the offences had taken place outside of the education setting, they were still relevant to Mr Jones' position as a teacher in that indecent images of children were found on his devices.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Jones' behaviour in committing these offences could 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 have been at the very core of his practice as a teacher with a duty of care towards children.

The panel noted that Mr Jones' behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an 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, which the Advice states is more likely to be considered a relevant offence.

The panel further noted that in the statement of agreed facts, signed by Mr Jones, he admitted the facts amounted to the conviction of a relevant offence. Notwithstanding his admission, the panel, having considered all the evidence before them, was satisfied on the evidence before it that Mr Jones had been convicted of a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Jones' ongoing suitability to teach. The panel considered that a finding that these convictions were 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.

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; 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 Jones, which involved a conviction for making indecent or pseudo-photographs of children, 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 Jones were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Jones. 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 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:

- 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; and

- 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.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Jones' actions were not deliberate.

There was no evidence to suggest that Mr Jones was acting under extreme duress.

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

The panel noted Mr Jones' mitigation letter where he stated that he recognises the wrongfulness of his actions. Mr Jones stated that he is so overwhelmed with guilt [REDACTED]. Mr Jones stated that he acknowledges the harm he has caused others and the profession [REDACTED].

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.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours 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 Jones was responsible for three counts of making indecent photographs or pseudo-photographs of children.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Daniel 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- 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 three counts of the relevant offence of making indecent photographs or pseudo-photographs of children.

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, "In the light of the panel's findings against Mr Jones, which involved a conviction for making indecent or pseudo-photographs of children, 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 the panel has set out as follows, "The panel noted Mr Jones' mitigation letter where he stated that he recognises the wrongfulness of his actions. Mr Jones stated that he is so overwhelmed with guilt [REDACTED]. Mr Jones stated that he acknowledges the harm he has caused others and the profession [REDACTED]." 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 Jones were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of a conviction for making indecent photographs or pseudo-photographs of children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a 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, “There was no evidence to suggest that Mr Jones demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

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 concerning the nature and seriousness nature of the offences of which Mr Jones was convicted and received three suspended prison sentences. The panel has said that “the conduct found against Mr Jones was outside that which could reasonably be tolerated.”

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, “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 Jones was responsible for three counts of making indecent photographs or pseudo-photographs of children.”

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 my judgement, allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession in view of the serious nature of the offences of which Mr Jones was convicted.

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 Daniel 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 allegations 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 Daniel 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: 28 October 2024

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