



Teaching  
Regulation  
Agency

# **Mr Richard Cosburn: Professional conduct panel outcome**

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

**January 2025**

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

<b>Teacher:</b>	Mr Richard Cosburn
<b>Teacher ref number:</b>	9435128
<b>Teacher date of birth:</b>	6 December 1966
<b>TRA reference:</b>	19855
<b>Date of determination:</b>	6 January 2025
<b>Former employer:</b>	Stradbroke Primary Academy, Great Yarmouth

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 6 January 2025 by way of a virtual hearing, to consider the case of Mr Richard Cosburn.

The panel members were Mrs Pat Hunt (former teacher panellist – in the chair), Mr Nigel Shock (lay panellist) and Mrs Hannah Foster (teacher panellist).

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

The presenting officer for the TRA was Mr Lee Bridges instructed by Kingsley Napley LLP solicitors on behalf of the TRA.

Mr Cosburn was not present and was not represented.

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 Hearing dated 9 September 2024.

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

1. On 9 February 2023 you were convicted at Norwich Crown Court of the following offences:
  - a) Four counts of assault of a child under 13 by penetration
  - b) One count of sexual assault of a child under 13
  - c) One count of sexual assault of a child
  - d) Eight counts of rape of a child under 13
  - e) Three counts of taking indecent photographs of a child
  - f) One count of indecent assault on a male person
  - g) Two counts of rape
  - h) Three counts of making indecent photographs of a child

Mr Cosburn made no admission of fact.

## Preliminary applications

At the outset of the hearing the panel considered the fact that the matter was listed as a hearing, but that Mr Cosburn had completed and signed the Notice of Referral form indicating that he wanted the allegations to be considered without a hearing and that he did not request an in-person hearing. The panel therefore raised whether or not the matter should be dealt with by way of a meeting rather than a hearing.

The presenting officer made submissions to proceed by way of the scheduled hearing.

The panel noted that Mr Cosburn had not signed or returned a Statement of Agreed Facts although did note that he had received the Notice of Hearing and that he had responded to this via a member of [REDACTED] indicating that he did not want to attend any hearings.

The panel accepted the legal advice provided in relation to this matter, in particular paragraph 5.129 of the Teacher misconduct: Disciplinary procedures for the teaching

profession May 2020 ('the Procedures'). The panel noted that the Notice of Referral form was not determinative and that, in order for the matter to be dealt with as a meeting, Mr Cosburn would need to have signed and completed the Statement of Agreed Facts in advance.

In light of the above, the panel proceeded with this matter as a hearing.

#### Application to proceed in the absence of the teacher

Mr Cosburn was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Cosburn.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Hearing had been sent to Mr Cosburn in accordance with the Procedures.

The panel concluded that Mr Cosburn's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Cosburn had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Cosburn was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Cosburn was neither present nor represented.

## **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 3 to 5
- Section 2: Notice of Hearing and response to Notice of Hearing – pages 6 to 12
- Section 3: TRA documents – pages 13 to 99

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing in addition to the 62 page service bundle and written submissions from the presenting officer.

## **Witnesses**

There were no witnesses called to give evidence at the hearing.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

From 1995 to 2019 Mr Cosburn worked in various teaching roles.

Between 2001 and 2016 the alleged offending behaviour occurred.

On 9 October 2020, Mr Cosburn was arrested.

On 9 February 2023, Mr Cosburn was convicted at Norwich Crown Court. Mr Cosburn was sentenced at Norwich Crown Court on 19 July 2023.

## **Findings of fact**

The findings of fact are as follows:

- 1. On 9 February 2023 you were convicted at Norwich Crown Court of the following offences:**
  - a) Four counts of assault of a child under 13 by penetration**
  - b) One count of sexual assault of a child under 13**
  - c) One count of sexual assault of a child**
  - d) Eight counts of rape of a child under 13**
  - e) Three counts of taking indecent photographs of a child**
  - f) One count of indecent assault on a male person**
  - g) Two counts of rape**
  - h) Three counts of making indecent photographs of a child**

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 Norwich Crown Court, dated 9 February 2023, which detailed that Mr Cosburn had been convicted of:

- 4 counts of assault of a child under 13 by penetration
- 1 count of sexual assault of a child under 13
- 1 count of sexual assault of a child
- 8 counts of rape of a child under 13
- 3 counts of taking indecent photographs of a child
- 1 count of indecent assault on a male person
- 2 counts of rape
- 3 counts of making indecent photographs of a child

In respect of the convictions, Mr Cosburn was sentenced to life imprisonment with a minimum term of 12 years on 19 July 2023.

In light of the above, the panel found the allegations proven.

### **Findings as to conviction of a relevant offence**

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

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Cosburn, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Cosburn was in breach of the following standards although the panel noted that there were no allegations specifically relating to Mr Cosburn's pupils and were relating to young children:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including...the rule of law, individual liberty and mutual respect...
- 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 the individual's actions were relevant to teaching, working with children and/or working in an education setting. The panel noted specifically that the work of a teacher involves working with children who are vulnerable and that the allegations against Mr Cosburn for which he had been convicted involved serious offences.

The panel noted that the behaviour involved in committing these offences could have had an impact on the safety and/or 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 Cosburn's 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 Cosburn's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Cosburn's actions were demonstrated by the court's sentence.

This was a case concerning offences involving violence / sexual activity / sexual communication with a child / 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 / revenge pornography (sharing private, sexual materials, either photos or videos, of



another person without their consent), which the Advice states is more likely to be considered relevant offences.

The panel noted that there was no mitigation evidence, or mitigating circumstances that had been provided.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Cosburn's 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; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Cosburn, which involved serious sexual offences against children, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public. In light of the nature of the offences for which Mr Cosburn was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing sentence.

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cosburn 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 Cosburn was outside that which could reasonably be tolerated.

The panel did not consider that there was a strong public interest consideration in retaining Mr Cosburn in the profession despite the fact that the offences for which he was convicted took place outside the education setting and no doubt had been cast specifically upon his abilities as an educator. The panel was of the view that the seriousness of Mr Cosburn's offending outweighed any interest in retaining him in the profession.

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 Cosburn. 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 Cosburn. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

- 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;
- a deep-seated attitude that leads to harmful behaviour; and
- 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, or involved the coercion of another person to act in a way contrary to their own interests.

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 Cosburn's actions were not deliberate.

There was no evidence to suggest that Mr Cosburn was acting under extreme duress, and, in fact, the panel found Mr Cosburn's actions to be calculated and motivated.

There was no evidence that Mr Cosburn demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. Nevertheless, the panel was of the view that the seriousness of Mr Cosburn's offending outweighed any interest in retaining him in the profession.

The panel noted that there was no evidence of insight and remorse on the part of Mr Cosburn.

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 Cosburn 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 Cosburn. Mr Cosburn's conviction and sentence as well as the likely risk of repetition of Mr Cosburn's offending were 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. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons; any sexual misconduct involving a child; and 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 Cosburn was responsible for serious behaviours which had resulted in a conviction and term of imprisonment. As such, the panel did not consider that recommending a review period was appropriate in the circumstances.

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 violence. The panel found that Mr Cosburn was responsible for serious behaviours against vulnerable children which had resulted in a conviction and term of imprisonment.

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 of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Richard Cosburn should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Cosburn is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including...the rule of law, individual liberty and mutual respect...
- 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 Cosburn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings which involved serious sexual offences against young vulnerable children, resulting in a sentence of life imprisonment.

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 Cosburn 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/safeguard pupils. The panel has observed, "In light of the panel's findings against Mr Cosburn, which involved serious sexual offences against children, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public. In light of the nature of the offences for which Mr Cosburn was convicted, there was an extremely strong public interest consideration in

respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing sentence.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel noted that there was no evidence of insight and remorse on the part of Mr Cosburn.” In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cosburn was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for serious sexual offences involving vulnerable 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 Cosburn himself and the panel comment “There was no evidence that Mr Cosburn demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. Nevertheless, the panel was of the view that the seriousness of Mr Cosburn’s offending outweighed any interest in retaining him in the profession.”

A prohibition order would prevent Mr Cosburn 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, including:

“There was no evidence that Mr Cosburn’s actions were not deliberate.”

“There was no evidence to suggest that Mr Cosburn was acting under extreme duress, and, in fact, the panel found Mr Cosburn’s actions to be calculated and motivated.”

I have also placed considerable weight on the finding that “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 Cosburn. Mr Cosburn’s conviction and sentence as well as the likely risk of repetition of Mr Cosburn’s offending were 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.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cosburn 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, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “The panel found that Mr Cosburn was responsible for serious behaviours which had resulted in a conviction and term of imprisonment. As such, the panel did not consider that recommending a review period was appropriate in the circumstances.” The panel also said “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 violence. The panel found that Mr Cosburn was responsible for serious behaviours against vulnerable children which had resulted in a conviction and term of imprisonment.”

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 findings and the lack of any insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Richard Cosburn 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 Cosburn 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 Cosburn 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 'SABuxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 7 January 2025**

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