



Teaching
Regulation
Agency

Mr Jon Downs: Professional conduct panel meeting outcome

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

April 2025

Contents

Introduction	3
Allegations	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Mr Jon Downs

Teacher ref number: 1735802

Teacher date of birth: 14 March 1989

TRA reference: 23168

Date of determination: 25 April 2025

Former employer: Westhoughton High School, Bolton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 April 2025 by way of a virtual meeting, to consider the case of Mr Jon Downs.

The panel members were Ms Jackie Hutchings (teacher panellist – in the chair), Mrs Georgina Bean (teacher panellist) and Mr Peter Whitelock (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass 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 Downs that the allegations be considered without a hearing. Mr Downs provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Sherelle Appleby, Mr Downs or any representative for Mr Downs.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 14 January 2025.

It was alleged that Mr Downs was guilty of unacceptable professional conduct and/or conduct that may bring the profession into, in that whilst employed as a teacher at Westhoughton High School:

1. On or around 3 July 2023 he brought alcohol onto school premises
2. On or around 3 July 2023 he consumed alcohol whilst on school premises and/or during school hours
3. His conduct as may be found proven at allegation 1 and/or 2 above put one or more pupils at risk of harm

Mr Downs admitted allegations 1,2 and 3, as set out in the statement of agreed facts, signed by Mr Downs on 31 October 2024.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 4 to 15

Section 2: Notice of proceedings and response – pages 16 to 20

Section 3: TRA documents – pages 22 to 87

Section 4: TRA witness statements – pages 89 to 97

Section 5: Teacher submission documents - pages 1 to 48 of supplementary bundle

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020 (the “Procedures”).

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Downs on 31 October 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 3 July 2023 you brought alcohol onto school premises**
- 2. On or around 3 July 2023 you consumed alcohol whilst on school premises and/or during school hours**

The panel noted that Mr Downs had admitted the allegations in the statement of agreed facts but considered the evidence before it in any event.

The panel noted the photographs of the bin in Mr Downs' classroom, and that it contained empty bottles of cider. The panel also had sight of photographs of a School branded water bottle with some liquid left in the bottom.

The panel considered the written statement of Individual A (although noted that this was hearsay evidence and considered the legal advice as to what weight to attach to it accordingly), who stated that Individual B had told her that a member of staff felt that Mr Downs' behaviour on the day of the alleged incident was "*quite out of character*".

She stated that in observing his behaviour, there had been a smell of alcohol whilst walking across the School yard. Individual A stated that Mr Downs questioned the way to her office, despite having been there on multiple occasions, and he appeared to be under the influence of alcohol and at one point he walked into a door.

Individual A stated that Mr Downs' behaviour was different from usual, and that the door he walked into was the main School reception door used regularly by staff.

The panel considered the written statement of Individual B (although noted that this was hearsay evidence and considered the legal advice as to what weight to attach to it accordingly). Individual B stated that on 3 July 2023, Individual C approached her and

informed her that a member of staff had reported to her that they were concerned that Mr Downs had been drinking alcohol. She stated that when they initially attended Mr Downs' classroom they did not have any concerns, but during their walk from his classroom to Individual A's office, she noted that Mr Downs' tone was different, and that he was not speaking in his usual manner.

Individual B stated that Mr Downs walked into the main building door, which is a door he frequently used. She stated that his behaviour did not appear normal, and as they sat in Individual A's office, she could smell alcohol coming from him.

Individual B stated that she left the room briefly and returned to Mr Downs' classroom, and discretely removed his wastepaper bin to review the contents and she saw 3 cider cans at the bottom. She stated that she returned to Individual A's room and explained to Mr Downs that she had found alcohol in his bin. Individual B stated that Individual A left the room to call for HR advice, and Mr Downs admitted he had been drinking in School.

Individual B stated that Mr Downs admitted that he had 3 cans of cider in his classroom when no students were there, and he put the cans in the bin. She stated that this corroborated what she had found in Mr Downs' bin.

Individual B stated that the following day a member of staff came to her with a School branded plastic bottle and was concerned that it contained alcohol. She stated that the bottle had been found in Mr Downs' classroom at the far edge of his desk. Individual B stated that on review of the bottle, she noted that there was around 3cm of cider at the bottom.

The panel found allegations 1 and 2 proven.

3. Your conduct as may be found proven at allegation 1 and/or 2 above put one or more pupils at risk of harm

The panel noted that Mr Downs had admitted the allegations in the statement of agreed facts but considered the evidence before it in any event.

The panel noted the witness statements and the photographs of the cider cans in Mr Downs' classroom bins, alongside Mr Downs' admission, and considered that, by having and consuming alcohol on the School premises, Mr Downs had put pupils at risk of harm by consuming alcohol on the School site and being under the influence whilst having pupils in his care.

Having considered all of the evidence before it, the panel was satisfied that Mr Downs' actions put pupils at risk of potential harm.

The panel found allegation 3 proven.

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

Having found all of 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 first considered whether the conduct of Mr Downs, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Downs 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel was satisfied that Mr Downs had breached the relevant provisions of KCSIE including in failing to safeguard and promote the welfare of children.

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant.

The panel considered the fact that Mr Downs admitted to having consumed alcohol on School premises with pupils in his care and, as such, the panel found that this placed pupils at risk of potential harm in doing so.

For this reason, the panel was satisfied that the conduct of Mr Downs amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession and breached his safeguarding obligations.

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

In relation to whether Mr Downs' actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 considered that Mr Downs' conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Downs' actions constituted 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/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. 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, the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Downs which involved bringing alcohol onto School premises; consuming alcohol on School premises and/or during School hours and putting pupils at risk of harm, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

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

In addition to the public interest considerations set out above, the panel considered the loss of any teacher to the teaching profession. The panel decided that whilst there was no evidence of a public interest consideration in retaining the teacher in the profession, there was no evidence that any doubt had ever been cast upon his abilities as an educator and/or as to whether he would be able to make a valuable contribution to the profession.

However, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Downs in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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 Downs.

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 safeguarding and well-being of pupils, and particularly where there is a continuing risk; and
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

Even though 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 Downs' actions were not deliberate.

There was no evidence that Mr Downs was acting under extreme duress.

[REDACTED]

The panel noted that the evidence in the bundle in terms of character references were from family members rather than colleagues in the education setting. The panel did not accept that the incident was out of character at the time although did note that Mr Downs'

previous disciplinary record was unblemished and that there was no evidence in the bundle of any previous concerns having been raised about Mr Downs' conduct or performance.

The panel noted that there was some insight and remorse on the part of Mr Downs and did note that Mr Downs acknowledged his wrongdoing [REDACTED].

The panel noted discrepancies between the accounts of the incidents although noted that the statements in the bundle were hearsay evidence and it received specific advice on the weight to attach to this accordingly. [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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Downs 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 Downs. The need to safeguard the welfare of children and the lack of evidence as to Mr Downs' current [REDACTED] fitness to work in the teaching profession 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 2 years.

The Advice indicates that there are certain situations where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

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 provisions for a 2-year 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 Downs should be the subject of a prohibition order, with a review period of two years

In particular, the panel has found that Mr Downs 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel was satisfied that the conduct of Mr Downs involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

The panel finds that the conduct of Mr Downs fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher consuming alcohol on school premises and in doing so putting the pupils in his care at risk of harm.

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 Downs, 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 recorded the following: “The panel considered the fact that Mr Downs admitted to having consumed alcohol on School premises with pupils in his care and, as such, the panel found that this placed pupils at risk of potential harm in doing so.” 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:

“The panel noted that there was some insight and remorse on the part of Mr Downs and did note that Mr Downs acknowledged his wrongdoing [REDACTED].”

In my judgement, the lack of evidence that Mr Downs has developed full insight into his behaviour 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:

“In relation to whether Mr Downs’ actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 considered that Mr Downs’ conduct could potentially damage the public’s perception of a teacher.”

I am particularly mindful of the finding of a teacher consuming alcohol on school premises in this case and the negative impact that such a finding is likely to 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 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 Downs himself. The panel notes the following:

“The panel did not accept that the incident was out of character at the time although did note that Mr Downs’ previous disciplinary record was unblemished and that there was no evidence in the bundle of any previous concerns having been raised about Mr Downs’ conduct or performance.”

[REDACTED]

A prohibition order would prevent Mr Downs 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 both the serious nature of the misconduct found and the panel’s comments concerning the lack of evidence that Mr Downs has developed full insight into the causes of his behaviour.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Downs 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 full remorse and 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 a two-year review period.

I have considered the panel’s concluding comments:

“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 provisions for a 2-year review period.”

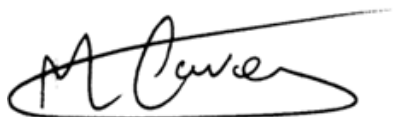
I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing such a review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are serious nature of the misconduct found and the need for Mr Downs to have the necessary time to develop full insight into his behaviour and in doing so demonstrate that he does not pose a risk to the wellbeing of pupils in the future.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Jon Downs 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 02 May 2027, 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 Downs remains prohibited from teaching indefinitely.

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

Mr Downs has a right of appeal to 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 'M Cavey', enclosed within a simple oval border.

Decision maker: Marc Cavey

Date: 29 April 2025

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