



Teaching
Regulation
Agency

Mr David Cooper: Professional conduct panel outcome

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

May 2025

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

Teacher: Mr David Cooper

Teacher ref number: 8361225

Teacher date of birth: 3 February 1959

TRA reference: 19325

Date of determination: 21 May 2025

Former employer: Tonbridge School, Kent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually between 20 and 22 May to consider the case of Mr David Cooper.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Mrs Emma Garrett (lay panellist) and Mrs Diana Barry (teacher panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP.

The teacher was not present and was not represented.

The hearing took place in private and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 22 January 2025.

It was alleged that Mr Cooper was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a Teacher at Tonbridge School ('the School'):

1. On one or more occasions in or around 2017, you accessed one or more indecent images of a child on a mobile phone and/or using a School computer.
2. In or around December 2019 and/or January 2020, you made one or more disclosures to medical staff that you had been having inappropriate thoughts about students at the School.
3. In or around February 2020, you made one or more disclosures to the Police that you had sexual thoughts about children.
4. In or around February 2020, you made one or more disclosures to School staff member(s) that you had sexual thoughts about children.

The allegations were not admitted.

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 3 to 5

Section 2: Notice of hearing and response – pages 6 to 18

Section 3: Teaching Regulation Agency witness statements – pages 19 to 29

Section 4: Teaching Regulation Agency documents – pages 30 to 139

Section 5: Teacher documents – pages 140 to 144

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

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

Witnesses

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

- Witness A ([REDACTED])
- Witness B ([REDACTED])
- Witness C ([REDACTED])
- Witness D ([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.

Mr Cooper was employed as a teacher of history at Tonbridge School (“the School”) between September 2000 and May 2019. In May 2019, Mr Cooper was signed off work as a result of health concerns. In September 2019 [REDACTED]. [REDACTED], Mr Cooper made a number of comments and disclosures to medical staff, which in turn were subsequently repeated to school staff and the police.

The admissions and disclosures were to the effect that Mr Cooper had accessed indecent images of children and had inappropriate thoughts and sexual feelings about children. There is no evidence before the panel that Mr Cooper had ever accessed any such images, and there is no suggestion that Mr Cooper has ever acted upon any such thoughts or that any child had suffered harm or been exposed to immediate risk. Indeed, as soon as the School were made aware of the disclosures, safeguarding measures were put in place.

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:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at Tonbridge School (‘the School’):

2. In or around December 2019 and/or January 2020, you made one or more disclosures to medical staff that you had been having inappropriate thoughts about students at the School.

The panel has been provided with a referral of Alleged Safeguarding Concern dated 27 December 2020. This records that Mr Cooper informed his [REDACTED] that he had been having inappropriate thoughts about the students he taught. The disclosure was recorded as being made to [REDACTED] and also to Witness D, who gave evidence in these proceedings which supported this allegation. Mr Cooper has had sight of all the evidence and has not disputed any of the records. The panel finds the evidence relevant to this allegation convincing, and finds this allegation proved.

3. In or around February 2020, you made one or more disclosures to the Police that you had sexual thoughts about children.

The panel has been provided with a crime report dated 26 February 2020 which records a visit undertaken by Witness C when he was a [REDACTED]. This report records that Mr Cooper had made multiple disclosures to police officers on various dates between January and February 2020 that he had had sexual thoughts about children.

Witness C confirmed that he visited Mr Cooper on 26 February 2020 and that this disclosure was repeated to him. Mr Cooper has had sight of all the evidence and has not disputed any of the records. The panel finds the evidence relevant to this allegation convincing, and finds this allegation proved.

4. In or around February 2020, you made one or more disclosures to School staff member(s) that you had sexual thoughts about children.

The panel heard from Witness A who confirmed that on or around 12 February 2020 he met with Mr Cooper and that he had admitted an interest in sexual material concerning children and that he liked some of the students he taught but had never acted upon such thoughts. Mr Cooper was reported as [REDACTED] at the point when he made this disclosure. Witness B was also present at this meeting and his account corroborates this allegation. The panel is satisfied that this disclosure was made at the time, and finds this allegation proved.

The panel found the following particulars of the allegations against you not proved, for these reasons:

1. On one or more occasions in or around 2017, you accessed one or more indecent images of a child on a mobile phone and/or using a School computer.

On 10 February 2020, [REDACTED] reported to Witness A that she had been informed by [REDACTED] that Mr Cooper had stated to them that he had viewed indecent images

of children on the internet some years previously. [REDACTED] had reported this to the police. There is a police record that Mr Cooper repeated this admission to them on 7 January 2020. [REDACTED] made this disclosure to Witness A at this point on the basis that Mr Cooper [REDACTED].

Witness A spoke with Mr Cooper on 12 February 2020 and this admission was repeated to him. The School in turn checked its IT systems to ascertain whether Mr Cooper had accessed any such material and could find no such evidence. Although the panel heard that a review of school IT systems going back many years was not possible, there was no evidence to corroborate Mr Cooper's comment. The panel is satisfied that Mr Cooper made this comment, and repeated it to different agencies. However, the panel notes Mr Cooper's [REDACTED] at the time and, in the absence of corroborating evidence or detail as to the images referred to, the panel is not satisfied that this allegation can be found proved to the appropriate standard. The panel finds this allegation not proved.

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

Having found allegations 2 to 4 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" (2022).

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

The 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 also considered whether the conduct of Mr Cooper, in relation to the facts found proved, involved breaches of the Teachers' Standards.

This case is unusual in as far as it relates to disclosures and admissions, and the allegations found proved relate to disclosures made by Mr Cooper, in private, to professionals. The disclosures relate to inappropriate sexual thoughts which, if acted upon, would result in the commission of serious criminal offences of a sexual nature. However, there is no evidence of any actions by Mr Cooper or the suggestion that any child was harmed or at risk of harm.

In circumstances where a teacher has such inappropriate thoughts, then the appropriate action for them to take would include disclosing their thoughts and concerns to medical and teaching professionals and to remove themselves from the teaching environment. Mr Cooper was removed from the teaching environment due to [REDACTED] and then made such disclosures to [REDACTED], teaching staff and the police.

Mr Cooper wrote to the TRA shortly before the hearing to confirm that he had inappropriate thoughts about children and, whilst he had never acted upon them, had experienced them throughout his teaching career. The panel is satisfied that Mr Cooper had such thoughts, based on his own admissions both when he was receiving treatment and subsequently.

The panel takes the view that having such thoughts and failing to disclose them to employers and/or medical staff whilst continuing to teach is capable of amounting to unacceptable professional conduct. However, Mr Cooper has not been charged with this and in any event the panel has no evidence before it of the extent, nature or effects of such thoughts.

In all the circumstances, the panel is of the view that the allegations found proved relate to the disclosures themselves, and cannot be categorised as amounting to unacceptable professional conduct per se. Accordingly, the panel was not satisfied that Mr Cooper was guilty of unacceptable professional conduct.

In relation to whether Mr Cooper's 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.

In considering the issue of disrepute, the panel also considered whether Mr Cooper's conduct displayed behaviours associated with any of the offences in the list that begins on pages 12 and 13 of the Advice.

As set out above in the panel's findings as to whether Mr Cooper was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

Whilst the panel had no evidence before it which provides detail as to the extent, nature or effects of the thoughts disclosed by Mr Cooper, it did find that the disclosures made by him were concerning. Any teacher having any such inappropriate or sexual thoughts about children or even disclosing that they did, whether true or not, would tend to bring the profession into disrepute.

The panel also took account of the way the teaching profession is viewed by others. The panel did consider the findings of misconduct to be so serious as to have a negative impact on Mr Cooper's status as a teacher and the teaching profession more generally. The panel considered that Mr Cooper's disclosures in and of themselves, even if false or exaggerated, could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

For these reasons, the panel did find that Mr Cooper's disclosures were concerning, and finds that his actions constitute conduct that may bring the profession into disrepute on this basis.

Panel's recommendation to the Secretary of State

Given the panel's findings of conduct that may bring the profession into disrepute, it was necessary for it 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 and protection of other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the nature of the panel's findings against Mr Cooper, which involved sustained and repeated expressions that he had a sexual interest in children, there was an extremely strong public interest consideration in respect of the protection of pupils.

The panel recognises that Mr Cooper first made his disclosures at a time when he was [REDACTED]. The panel received some expert evidence that disclosures of this nature could be as a result of an individual being [REDACTED]. It also received evidence that any repeated disclosures after [REDACTED] would be indicative of attitudes which did not arise solely from ill health.

The panel considered this evidence in light of the fact that these disclosures were repeated after he had [REDACTED]. Indeed, Mr Cooper made similar disclosures in his correspondence with the TRA shortly before this hearing and some 5 years after his first

disclosures. Although the panel received no evidence of the extent or nature of Mr Cooper's attitudes, he has expressed these attitudes repeatedly over a long period and further stated that he has had such attitudes for as long as he can recall.

Mr Cooper's disclosures raise obvious and significant public and child protection concerns. There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils. The panel considered that public confidence in the profession would be very seriously weakened if conduct such as that found against Mr Cooper was not treated with the utmost seriousness when regulating the profession. This was conduct that was, clearly, extremely concerning.

For the same reasons, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

The panel conducted a balancing exercise in which it considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect this would have on Mr Cooper.

No doubt had been cast upon Mr Cooper's abilities as a teacher. Indeed, the panel was presented with references attesting to his abilities as a teacher and his positive record over a long period of time. There is also reference to his contribution to textbooks in his field of history. However, the findings are very serious and raise significant public interest considerations. These public interest considerations are not outweighed by any interest in retaining Mr Cooper in the profession.

In carrying out the balancing exercise, the panel had regard to the public interest considerations present as well as the interests of Mr Cooper. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- a deep-seated attitude that leads to harmful behaviour.

Whilst there is no evidence that Mr Cooper's attitudes have led to harmful behaviour towards others, there is evidence in the form of his comments and representations over a long period that he has a deep-seated attitude which would have the potential to lead to harmful behaviour. Similarly, whilst Mr Cooper is not responsible for misconduct seriously affecting the well-being of pupils, there is some evidence to suggest that, by virtue of his attitude and his repeated disclosures, he does present a risk of such misconduct.

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.

The panel considered that the following mitigating factors are present in this case:

- Mr Cooper appeared to have a strong teaching record. There was evidence of good character prior to these findings and his technical ability as a teacher was not challenged.
- Mr Cooper had engaged with the TRA and made some admissions.
- There was some indication of insight.

Weighed against this, the aggravating features in this case included that:

- His actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns.
- Whilst there was some expression of insight there was no evidence of remediation or any treatment. Indeed, there is evidence that when he was offered options to explore treatment and counselling, he declined.

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 Cooper of prohibition.

Mr Cooper's disclosures and his expressed attitudes are fundamentally incompatible with his being a teacher.

There were, accordingly, particularly strong public interest considerations in this case in terms of protecting the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Cooper.

Accordingly, it 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 weigh against the recommendation of a review period.

Whilst none of the behaviours referred to are directly applicable, the panel found that, in the absence of any evidence of treatment or control measures, Mr Cooper represents a risk of harm to children.

The panel decided that its findings indicated a situation in which a review period would not be appropriate.

The nature and seriousness of the findings in this case necessitated the prohibition order to be recommended without provision for a review period. The panel repeats that Mr Cooper's actions are, fundamentally, incompatible with his being a teacher.

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 some of the allegations proven and found that those proven facts amount conduct that may bring the profession into disrepute.

In this case, the panel has also found some allegations not proven, including Allegation 1, and/or found that some allegations do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

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

The panel finds that Mr Cooper's actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns.

The findings of misconduct are particularly serious as they include a teacher disclosing, more than once, that he had had inappropriate and/or sexual thoughts about children.

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 conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Cooper, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel makes the following observation: “Mr Cooper’s disclosures raise obvious and significant public and child protection concerns. There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.” 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. While it comments that “There was some indication of insight.” it also goes on to state that:

“Whilst there was some expression of insight there was no evidence of remediation or any treatment. Indeed, there is evidence that when he was offered options to explore treatment and counselling, he declined.”

In my judgement, the lack of evidence that Mr Cooper has developed full insight into his thoughts and feelings means that there is some risk of repetition and this puts the future wellbeing of pupils in jeopardy. 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:

“Whilst the panel had no evidence before it which provides detail as to the extent, nature or effects of the thoughts disclosed by Mr Cooper, it did find that the disclosures made by him were concerning. Any teacher having any such inappropriate or sexual thoughts about children or even disclosing that they did, whether true or not, would tend to bring the profession into disrepute.

The panel also took account of the way the teaching profession is viewed by others. The panel did consider the findings of misconduct to be so serious as to have a negative impact on Mr Cooper’s status as a teacher and the teaching profession more generally. The panel considered that Mr Cooper’s disclosures in and of themselves, even if false or exaggerated, could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the finding of a teacher disclosing, more than once, that he had had inappropriate and/or sexualised thoughts about children in this case and the negative impact that such a finding could have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of 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 Cooper himself. The panel makes the following observations:

“No doubt had been cast upon Mr Cooper’s abilities as a teacher. Indeed, the panel was presented with references attesting to his abilities as a teacher and his positive record over a long period of time. There is also reference to his contribution to textbooks in his field of history. However, the findings are very serious and raise significant public interest considerations. These public interest considerations are not outweighed by any interest in retaining Mr Cooper in the profession.”

A prohibition order would prevent Mr Cooper from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the serious nature of the panel’s findings as well as the consequent risk to the wellbeing of pupils, and have noted the following remarks:

“Whilst there is no evidence that Mr Cooper’s attitudes have led to harmful behaviour towards others, there is evidence in the form of his comments and representations over a long period that he has a deep-seated attitude which would have the potential to lead to harmful behaviour. Similarly, whilst Mr Cooper is not responsible for misconduct seriously affecting the well-being of pupils, there is some evidence to suggest that, by virtue of his attitude and his repeated disclosures, he does present a risk of such misconduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cooper has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in

light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

“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 weigh against the recommendation of a review period.

Whilst none of the behaviours referred to are directly applicable, the panel found that, in the absence of any evidence of treatment or control measures, Mr Cooper represents a risk of harm to children.

The panel decided that its findings indicated a situation in which a review period would not be appropriate.

The nature and seriousness of the findings in this case necessitated the prohibition order to be recommended without provision for a review period. The panel repeats that Mr Cooper’s actions are, fundamentally, incompatible with his being a teacher.”

I have considered whether allowing a review period reflects the seriousness of the findings and is a proportionate response to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period would not be an appropriate or proportionate response to the findings made by the panel or be in the public interest. These elements are the serious nature of the misconduct found which in my judgment represents a serious ongoing risk both to the safety and wellbeing of pupils and the standing of the profession, as well as the lack of evidence that Mr Cooper has developed, or is taking steps to develop, the full insight into his thoughts and feelings that could possibly reduce that risk to a tolerable level.

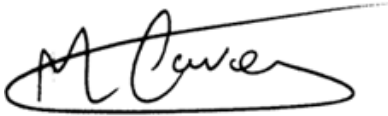
I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr David Cooper is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations

found proved against him, I have decided that Mr Cooper shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Cooper has a right of appeal to the 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 large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 27 May 2025

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