

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Jayne O'Mahoney
Teacher ref no: 0157709
Teacher date of birth: 9 May 1978
TA Case ref no: 9070
Date of Determination: 4, 5 and 6 March 2013
Former Employer: Local Authority area, Yorkshire

A. Introduction

A Professional Conduct Panel ('the Panel') of the Teaching Agency convened on 4, 5 and 6 March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Jayne O'Mahoney.

The Panel members were:

- Dr Melvyn Kershaw (Teacher Panellist);
- Andrew Potts (Lay Panellist – in the Chair); and
- Ms Nicole Jackson (Lay Panellist).

The Legal Adviser to the Panel was Mr Christopher Alder of Blake Lapthorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Sophie Lister of Kingsley Napley LLP, Solicitors.

Ms O'Mahoney attended parts of the hearing by telephone link and was advised and assisted by Dr Keith Lomax of Lester Morrill LLP solicitors who attended the hearing by telephone link.

The hearing took place in private and was recorded. The Panel's decision was announced in public.

B. Preliminary Issues

The Teacher's Representative applied for the hearing to be held in private. The application was made in private.

Before the Panel considered its decision, the Legal Adviser declared the following

advice:

The Panel is referred to paragraphs 4.56 - 4.58 of the Disciplinary Procedures for the regulation of the teaching profession.

The Panel decided that it was in the interests of justice for the hearing to proceed in private.

The Presenting Officer applied for a number of amendments to be made to the allegation. The Teacher's Representative did not oppose the application.

Before the Panel reached its decision, the Legal Adviser declared the following advice:

The Panel is referred to rule 4.55 of the Disciplinary Procedure Rules.

The Panel announced that it was not contrary to the public interest for the amendments to be made to the allegation. The allegation was amended.

C. Allegations

The Panel considered the allegation, as amended, as set out in the Notice of Proceedings dated 20 November 2012. The Panel complied with a case management direction that the name of the School should remain anonymous throughout the proceedings.

It was alleged that Ms Jayne O'Mahoney was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at a School between 2007 and 2010, Ms O'Mahoney:

1. Engaged in an inappropriate relationship with Pupil A,
 - a) Her relationship included conduct of a physical nature;
 - b) Her conduct was sexually motivated
2. Engaged in inappropriate relationship with Pupil B
3. Failed to follow the appropriate safeguarding procedures following the receipt of relevant safeguarding information concerning Pupil B which she did not pass on;
4. Failed to follow reasonable management instructions with regard to;
 - a) Her relationship with students in that;
 - i) she ignored an instruction given in November or December 2007 to stop giving Pupil A lifts home;
 - ii) she ignored an instruction given in November or December 2007 to avoid being along with Pupil A;

- b) The terms of her suspension as set out in a letter of 8 May 2009 in that;
- i) she made contact with Pupil B in June 2009 via email;
 - ii) she exchanged text messages with teacher AS's daughter.

Ms O'Mahoney admitted particular 3 and 4 b i and ii. She did not accept that her conduct amounted to unacceptable professional conduct or conduct which may bring the profession into disrepute.

D. Summary of Evidence

Documents

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

Section 1	Chronology & Anonymised Pupil List	Pages 1 - 6
Section 2	Notice of Proceedings & Response	Pages 7 - 13
Section 3	Teaching Agency Statements	Pages 14 - 54
Section 4	Teaching Agency Documents	Pages 55 - 508
Section 5	Teacher's Documents	Pages 509 - 565

In addition, the Panel agreed to accept the following:

1. additional statement provided by Ms Greenwood
2. letters relating to Ms O'Mahoney's health

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

Brief Summary

Please note that this is intended to be a summary – it does not reflect the complete evidence given. It is important to note that the hearing was held in private.

The Presenting Officer and Teacher's Representative made submissions to the Panel during opening. The Presenting Officer and the Teacher made closing submissions. The Panel considered those submissions carefully.

The Teacher's Representative attended parts of the hearing by telephone. He undertook cross-examination of Pupil A and led questioning of the Teacher. Neither he nor the Teacher listened to the evidence of the Head Teacher. During the final stage of the hearing, the Teacher's Representative made submissions on behalf of the Teacher.

Pupil A gave evidence by video link. Pupil A confirmed the truth of her statement and subsequently answered questions from the Presenting Officer, the Teacher's Representative and the Panel.

The Presenting Officer called the Head teacher of the School to give evidence. The Head teacher confirmed the truth of her statement. She subsequently answered questions from the Presenting Officer and the Panel.

The Teacher's Representative called Ms O'Mahoney to give evidence. She answered questions from her representative, the Presenting Officer and, subsequently, the Panel.

E. Decision and Reasons

The Panel announced its decision as follows:

"We have carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing. We confirm that we have considered all of the evidence which is relevant to the allegations.

Summary

Ms O'Mahoney was employed as French teacher. In 2009, concerns were raised by the mother of Pupil A that she had seen an entry on Pupil A's Facebook site. Having spoken with her daughter about the entry, she became concerned that there had been a personal relationship between her daughter and Ms O'Mahoney whilst the pupil had been one of her students.

Pupil A's mother reported her concerns to the school. The school and police commenced an investigation into the allegations. During the investigation information and evidence came to light regarding Ms O'Mahoney's conduct whilst at the school.

The concerns related back, firstly, to a school trip which had been led by Ms O'Mahoney in October 2007. It was alleged that during this trip a personal relationship developed between Ms O'Mahoney with Pupil A – it was alleged that she had spent increasing time with Pupil A, had entered a bathroom whilst the pupil was having a shower and had exchanged personal notes with the pupil on the school bus.

On return to school after the trip, it was alleged that Ms O'Mahoney had spent increasing time alone with Pupil A and had give extra tuition to Pupil A at the end of the school day. After the extra lessons, she had driven the pupil home. Following Pupil A's sixteenth birthday, it was suggested by the pupil that Ms O'Mahoney had developed the relationship with her. Pupil A, during her interview with the police, alleged that she had spent time alone with Ms O'Mahoney in a store cupboard next to her classroom and that they had kissed and had intimate physical contact. Pupil A

also alleged that she and Ms O'Mahoney had spent time alone in Ms O'Mahoney's car and in the toilets in a supermarket when they had kissed and again touched intimately.

A number of rumours had been circulating about Pupil A and Ms O'Mahoney at the school, which Ms O'Mahoney brought to the Head Teacher's attention in November 2007. This had led the Head teacher to interview the pupil and speak with Ms O'Mahoney. Pupil A denied that there was any truth in the rumours, but the Head Teacher did provide advice on 27 November 2007 to Ms O'Mahoney telling her that she should not be alone with the pupil and should not give lifts to her in her car.

The allegations were not identified until after Pupils A and B had stopped being taught by Ms O'Mahoney and the detail of the allegations was raised during the police and school investigation. During the school investigation concerns were also raised that Pupil B had also had an inappropriate relationship with Ms O'Mahoney, in that they had sent personal text messages, emails and communicated via music websites. It was suggested that Pupil B had told Ms O'Mahoney that she had received sexualised text messages from a male parent of another pupil at the school. Despite being aware of the allegation, Ms O'Mahoney did not report the concern to the school.

During the school investigation, Ms O'Mahoney was suspended. During the period of her suspension she corresponded with Pupil B and exchanged text messages with a pupil who was the daughter of another teacher at the school. Throughout the school and police investigation, Ms O'Mahoney accepted that she had given lifts to Pupil A but denied that she had acted inappropriately. She also denied that she had engaged in any form of inappropriate relationship with Pupils A or B and she had never had physical contact with Pupil A. She maintained that Pupil A was known to be a liar and had completely falsified stories about the two of them. She accepted that she should have reported knowledge of a text message between Pupil B and a parent.

The Panel considered the allegations set out in the Notice of Proceedings dated 20 November 2012.

It was alleged that Ms Jayne O'Mahoney is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at a School between 2007 and 2010, Ms O'Mahoney:

1. Engaged in an inappropriate relationship with Pupil A,
 - a) Her relationship included conduct of a physical nature;
 - b) Her conduct was sexually motivated
2. Engaged in an inappropriate relationship with Pupil B
3. Failed to follow the appropriate safeguarding procedures following the receipt of relevant safeguarding information concerning Pupil B which she did not pass on;

4. Failed to follow reasonable management instructions with regard to;
 - a) Her relationship with students in that;
 - i) she ignored an instruction given in November or December 2007 to stop giving Pupil A lifts home;
 - ii) she ignored an instruction given in November or December 2007 to avoid being along with Pupil A;
 - b) The terms of her suspension as set out in a letter of 8 May 2009 in that;
 - i) she made contact with Pupil B in June 2009 via email;
 - ii) she exchanged text messages with teacher AS' daughter.

Findings of fact

Our findings of fact are as follows:

With respect to particular 1 a

We considered all of the evidence which is relevant to this particular. We considered all of the relevant documentary evidence presented within the bundle.

We considered the evidence of Pupil A which was presented via a video link and the evidence of the Head Teacher who gave oral evidence. We also considered your evidence very carefully which you presented through a telephone link.

With respect to the evidence of Pupil A, we found her to be a credible witness. She is now an adult and is not a pupil at the school. Despite not being at the school and despite the personal stress which attending a hearing such as this created, she was prepared to present her evidence to this hearing. She was prepared to make herself available for cross-examination and for panel questioning. Having considered her oral evidence and that evidence which she presented through her interview with police, we are clear that her recollection of events is consistent - and remained consistent during cross-examination which probed her version of events. We had the opportunity to test her evidence and observe her demeanour during questioning. We found her to be measured in her approach as well as considered, open and honest in her answers.

We carefully considered Pupil A's evidence and the context of the events which she referred to. She described, in detail, the times when you met and the physical contact between you. She described in detail the locations when you met and her evidence was consistent with earlier versions which she had given. Pupil A was able to provide detail which, we have decided, allows us to give weight to her evidence and has allowed us to assess the credibility and cogency of her evidence.

It was suggested that Pupil A had been a fantasist, was a known liar and had fabricated her evidence. However, having heard directly from Pupil A we did not find that she presented as someone who had motivation to lie about her recollection of

events. She was clear in her evidence that she had not wanted to raise allegations or concerns and we have noted that the concerns were raised by Pupil A's mother and not by the pupil.

We carefully considered the evidence which is available in the bundle which recorded the evidence of Pupil B. Pupil B was a friend of Pupil A and she was privy to conversations with Pupil A during which she disclosed detail about her contact with you. The statements which she had made were hearsay and whilst we have given limited weight to that evidence in support of this allegation, we have noted that her evidence does corroborate the version of events which Pupil A presented to this hearing.

There is a direct evidential conflict in relation to this particular. Your recollection of events has been clear. You have maintained that there was no physical contact between you and Pupil A; you maintain that there was no meeting or meetings with Pupil A in the store cupboard; there was no contact between you and Pupil A in your car; you maintain that Pupil A's version of events relating to the supermarket did not happen as suggested by Pupil A; and you dispute the majority of Pupil A's version of events in relation to what happened on the school trip.

You maintain that Pupil A has fabricated her version of events, that she is a fantasist and that she has lied consistently. We have considered the evidence of the Head teacher. We found the Head teacher to be a credible and open witness. She gave clear evidence to us that she did not believe that Pupil A was known to be liar but acknowledged that she was a vulnerable individual.

We considered your evidence very carefully. Having considered it carefully, we were not satisfied that the evidence and version of events which you gave to the school, to the police and most recently to us has been consistent. A number of responses which you gave to the school and to the police were not given openly and fully. We are not satisfied that you have given full, open and consistent evidence on the issues where there is direct conflict with the evidence of Pupil A in regard to the alleged relationship with her.

Given the nature of your responses to the police, to the school and to us, we do not find that your blanket denial of many of the events relating to Pupil A is credible. In addition, we noted that you were a senior pastoral leader at the school and had regular and relevant training linked to your pastoral responsibilities. Despite this additional knowledge, we believe that the evidence which you presented to us in relation to your handling of the two serious child protection matters lacked credibility. We note that this issue is dealt with specifically in relation to particular 3 below, but our assessment of your credibility in general has contributed to our decision as outlined above.

For the reasons given above, we found the evidence of Pupil A to be credible, cogent and consistent. On the basis of our consideration of the weight to be given to her evidence we find, on the balance of probabilities, this particular to be proven.

With respect to particular 1 b

We carefully considered all of the relevant evidence. This has included the evidence of Pupil A and your evidence. For the reasons set out above, we found Pupil A's evidence to be credible, cogent and reliable and we have afforded weight to it. Also for the reasons set out above, we did not find your evidence to be consistent or credible.

Pupil A provided detail about the nature of the physical contact, meetings and conversations between you. You have denied that any of your behaviour was sexually motivated. For the purposes of this public decision we have decided not to include the specific detail, but the available evidence has satisfied us, on the balance of probabilities, that your conduct and relationship with Pupil A was sexually motivated. Given our view of the evidence and specifically the detail provided by Pupil A, it is our view that there is sufficient evidence available to prove that your behaviour was sexually motivated and is the only inference which can be drawn from the evidence presented by Pupil A.

We have carefully considered the stem to this particular which states that you engaged in an inappropriate relationship with Pupil A.

We considered all of the relevant evidence and the findings of fact which we have made.

With respect to this particular, we also considered the safeguarding report prepared by Ms Veronica Miller and the opinion evidence of the Head teacher. The evidence of Ms Miller and that of the Head teacher is that your actions transcended professional boundaries. We understand that this means that your behaviour breached the expectations of appropriate professional boundaries which should exist within a student / teacher relationship. On the basis that we have found it proven that you engaged in a personal relationship with Pupil A which involved physical contact and which was sexually motivated, we find it proven that your relationship with the pupil was inappropriate.

We find each of the elements of particular 1 proven.

With respect to particular 2

We have considered the evidence of the Head teacher and Pupil A. We have also considered your evidence carefully. You maintain that you did not engage in an inappropriate relationship with Pupil B.

We considered the evidence of Pupil B which was given through her interviews with the school. The statements which she had made are hearsay and whilst we have given limited weight to that evidence, we have noted that her evidence corroborates your version of events.

Evidence is presented which identifies that you communicated with Pupil B through email, MSN and through music websites. The content of these communications was personal in nature and you accept that you did communicate in this manner with the pupil.

We have considered the detail of the interviews which you underwent with police and the school. During a summary of a school interview, you maintain in your response that you had not reported a child protection concern relating to a report which Pupil B had made to you because you had wanted Pupil B to trust you. You wanted to build the relationship to protect the trust which she had in you. You accept that there was personal communication with Pupil B and that you had communicated with her about a Celine Dion concert and corresponded via music websites.

During the interview record of the notes of the pre-disciplinary meeting of 17 September 2010 reference is made to your contact with Pupil B. You accept that it is not an appropriate way to build a relationship with her.

Given the evidence of Pupil B, as explained through the notes of her interview with the school and the notes of your evidence we are satisfied that there is sufficient evidence to prove, on the balance of probabilities, that your behaviour towards Pupil B was at times personal and showed that you crossed appropriate professional boundaries.

We have noted your evidence that you wanted to protect your relationship with Pupil B which led you to not disclose a safeguarding concern. Your actions indicated that you acted in a manner which appeared to be more protective of the relationship than of maintaining the distinction required between a teacher and pupil relationship rather than a social and personal relationship.

For the reasons set out above, we are satisfied that you engaged in an inappropriate relationship with Pupil B in that your relationship with her was not appropriate and professional at all times. We find this particular, on the balance of probabilities, proven.

With respect to particular 3

We have noted that you admit the facts of this particular.

We have carefully considered the evidence of the Head teacher as well as considering the school policy on child protection. We have also considered your evidence.

You were aware of concerns which had been reported to you by Pupil B which related to sexualised text messages being sent to her by the male parent of another pupil at the school. You accept that you were aware of the text messages and the report which Pupil B had made to you. You accept that you did not refer this concern to the school's child protection officer or Head teacher. You accept that you failed to follow appropriate safeguarding procedures.

In your evidence given as part of the school investigation, you explained that you did not report the concern because you wanted to preserve your relationship with Pupil B and the trust which Pupil B had in you. You explained to the school that the pupil asked you not to report the issue to the school. The fact of the text messages were ultimately reported to the school by a parent who heard of the situation through another pupil. The matter was thereafter reported to the police.

On the basis of the evidence, and specifically your evidence, we find this particular proven.

With respect to particulars 4 a i and ii

We have carefully considered the evidence of Pupil A.

We have considered the evidence of the Head teacher which was that she gave you a management instruction on 27 November 2007. She told you to stop giving Pupil A lifts home and she advised you that if, as Pupil A's mentor or teacher, you needed to spend time with her that you should do so in a public place, such as the library. You accept that you discussed rumours which were circulating at the school with the Head Teacher and that she did give you the management instructions and advice as suggested. You also accept that, prior to your meeting with the Head, you gave lifts to Pupil A and that had spent time alone with her. You maintain that you acted upon the management instruction.

We have considered all of the relevant evidence carefully. There is no specific evidence which identifies the date of the incident at the supermarket, which we believe was the final time you gave Pupil A a lift home. Pupil A is unable to recall the date of that lift home or the date when you last spent time alone. Given the evidence available, we are not satisfied that it proves that you ignored management instructions given to you in November 2007. Accordingly, these particulars are not proven.

With respect to particulars 4 b i and ii

We have noted that you admit the facts of both particulars 4 b i and ii. We have considered your evidence. We have also considered the evidence of the Head Teacher and the statement.

We have considered the evidence which is presented by teacher AS as well as the evidence presented as that of Pupil B. Your evidence is that you did email Pupil B and did text the daughter of AS and that such conduct was in breach of the terms of your suspension.

On the basis of the evidence available and your admission, we find the facts of these particulars proven.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

We have carefully considered whether the facts we have found proven amount to unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

We have considered the current Teachers' Standards. We are clear that teachers must uphold public trust in the profession and maintain the highest standards of ethics and behaviour within and outside school and must have proper and professional regard for the ethos, policies and practice of the school in which they teach.

For completeness we have also considered the former GTCE Codes of Conduct and Practice for Registered Teachers.

We are clear that it has been a consistent expectation of the profession and public that teachers have a fundamental duty to maintain and uphold appropriate professional boundaries with pupils. Teachers have a responsibility to take reasonable care of students under their supervision with the aim of ensuring their safety and welfare. Your actions have shown that you have failed to uphold these expectations.

We have found it proven that you engaged in an inappropriate relationship with a sixteen year-old female pupil, Pupil A. This relationship involved a number of intimate meetings. There were also incidences when you engaged in an inappropriate relationship with another pupil, Pupil B, when you failed to maintain appropriate professional boundaries. You failed to act appropriately in respect of a serious safeguarding concern and went on to breach the terms of your suspension.

We are satisfied that your behaviour has the potential to damage the reputation of the profession and your actions failed to uphold public trust in the profession. Your actions also failed to maintain the high standards of ethics and behaviour within and outside school, failed to observe proper boundaries appropriate to a teacher's professional position; failed to have regard for the need to safeguard pupils' well-being and failed to have proper and professional regard for the policies and practices of the school in which you were teaching. We are satisfied that your behaviour has fallen significantly and seriously short of the standard of conduct expected of a teacher. Your actions have demonstrated a serious lack of professional judgement and your actions had the potential to not only damage your own reputation, the reputation of the school but also the reputation of the profession as a whole. Your actions also had the potential to place at least two pupils, one of whom who has been described in evidence by the Head Teacher as being vulnerable, at risk of harm.

In all of the circumstances, we are satisfied that your conduct fell significantly short of the standard expected of the profession and amounts to unacceptable professional conduct and is conduct which has the potential to bring the profession into disrepute."

Panel's Recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute it is 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 making this judgement the Panel had at the forefront of its deliberations whether a Prohibition Order would be a proportionate measure and in the public interest in relation to the allegations that we have found.

The Panel had particular and specific reference to the relevant Advice in respect of the relevant public interest considerations that should be considered. Having done so the Panel found a number of public interest considerations that were relevant,

namely, the protection of children, the maintenance of public confidence in the profession as well as declaring and upholding proper standards of conduct.

Clearly in light of the Panel's findings against Ms O'Mahoney, which involved serious findings of sexually motivated inappropriate relationship and forming inappropriate relationships with more than one child, there is a strong public interest consideration in respect of the protection of children. Similarly the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms O'Mahoney were not treated with utmost seriousness when regulating the conduct of the profession. Also the Panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms O'Mahoney 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 Ms O'Mahoney. In forming a judgement in this respect the Panel took particular account of the substantial mitigation evidence that was presented to it by both Ms O'Mahoney and by the management of the school itself who had, prior to the incidents, considered her to be a valuable and talented teacher. The Panel were also cognisant of the fact that prior to these findings being made against her, Ms O'Mahoney was considered to be a person of good character with no criminal or disciplinary sanctions recorded against her.

In weighing up the competing public interest considerations against those of Ms O'Mahoney 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 proven. In the list of such behaviours are abuse of position of trust, misconduct seriously affecting the education or wellbeing of pupils and a serious departure from the personal and professional conduct elements of the teacher standards. In light of the Panel's findings these behaviours set out in the Advice are clearly all engaged and as such the Panel paid particular attention to these when conducting their balancing exercise.

Even though there were behaviours that would point to a Prohibition Order being appropriate, the Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order being an appropriate and proportionate measure to impose. In light of the Panel's findings it follows that although the teacher did have a previously good history there was no evidence that her actions were not deliberate, or that she was acting under duress, in fact, the Panel's findings were that Ms O'Mahoney's actions were calculated and motivated by improper and inappropriate considerations that fell outside of those that could reasonably be expected of a teacher.

Having considered all of these matters carefully and closely the Panel decided that it would be both appropriate and proportionate to recommend to the Secretary of State that a Prohibition Order be imposed on Ms O'Mahoney with immediate effect.

The Panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the Order should be considered. The Panel were mindful that the Advice given is that a Prohibition Order applies for life but that there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of the examples given in this respect is her sexually motivated inappropriate relationship. The Panel has found that Ms O'Mahoney has been responsible for forming an inappropriate relationship with a pupil that seriously transgressed the proper boundaries of a professional relationship and involved serious and, in our view, potentially harmful misconduct by Ms O'Mahoney against that pupil. Although she has shown limited insight into her actions, Ms O'Mahoney continues to deny wrongdoing in respect of the relationship which was felt by the Panel to indicate 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.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case. In particular I have given careful consideration to the recommendation made by the panel to me in respect of sanction and review period.

It is evident that the panel have given very careful consideration to all of the matters in this case. They have given a very clear and detailed account for how they have reached their findings of fact and why they believe that those findings amount to unacceptable professional conduct.

The panel has considered very carefully the guidance provided about prohibition, and I have also given careful consideration to that guidance.

The behaviours and conduct that the panel has found proven against Ms O'Mahoney clearly fall into the category of those where prohibition is an appropriate sanction. I have given careful consideration to the proportionality of prohibition and whether it is in the public interest. In my view the allegations proven are very serious and represent a serious departure from the standards of behaviour expected of a teacher. I therefore support the recommendation that Ms O'Mahoney be prohibited from teaching.

I have also given careful consideration to the matter of a review period. It is evident that Ms O'Mahoney has shown very limited insight into the serious nature of her misconduct. It is also clear that this was deliberate behaviour and that she was not acting under duress. On this basis I am clear that a review period is not appropriate in this case as indeed is the recommendation by the panel.

This means that Ms Jayne O'Mahoney 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 her, I have decided that Ms Jayne O'Mahoney shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Jayne O'Mahoney has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

DATE: 7 March 2013