



National College for  
Teaching & Leadership

# **Mr Toby Michael Kennedy: Professional conduct panel outcome**

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

**February 2017**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	15

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

**Teacher:** Mr Toby Michael Kennedy  
**Teacher ref number:** 0004369  
**Teacher date of birth:** 15 August 1978  
**NCTL case reference:** 15125  
**Date of determination:** 24 February 2017  
**Former employer:** Ipswich High School for Girls, Suffolk

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 24 February 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Toby Michael Kennedy.

The panel members were Mr Aftab Zia (teacher panellist – in the chair), Mr Colin Parker (teacher panellist) and Mrs Susan Iannantuoni (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP, solicitors.

Mr Kennedy was not present and was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 23 December 2016.

It was alleged that Mr Kennedy was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed at Ipswich High School for Girls ("the School"):

1. He engaged in inappropriate behaviour in respect of Pupil A in that he:
  - a. developed a friendship with her;
  - b. exchanged messages with her, including via 'Snapchat';
  - c. gave her a lift in his car on one occasion or more;
2. His conduct 1a and/or 1b and/or 1c above breached the School's safeguarding policy and/or procedure.
3. His conduct at 1a and/or 1b and/or 1c above was sexually motivated.

Mr Kennedy has admitted the facts of allegations 1 and 2.

Mr Kennedy has also admitted that his conduct in relation to allegations 1 and 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

There were no admissions in relation to allegation 3, which was denied.

## **C. Preliminary applications**

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

The panel considered an application from the presenting officer to proceed in the absence of Mr Kennedy.

After hearing submissions from the presenting officer and receiving legal advice, the Chair announced the decision of the panel as follows:

The panel is satisfied that the Notice of Proceedings has been sent in accordance with Rule 4.11 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession.

The panel has decided that the hearing should proceed in Mr Kennedy's absence for the following reasons:

- Mr Kennedy has responded to the Notice of Proceedings and has specifically confirmed that he does not seek an adjournment.
- Mr Kennedy consents to the hearing proceeding in his absence.
- The panel has accordingly concluded that Mr Kennedy has voluntarily waived his right to attend.
- There is no indication that Mr Kennedy might attend at a future date.
- The panel is accordingly satisfied that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time and the panel considered that it was also in Mr Kennedy's interests taking account of his circumstances.
- Whilst Mr Kennedy has made reference to certain health issues, the panel noted that there is no medical evidence which indicated that Mr Kennedy was unable to attend the hearing because of his health.

Taking all of these factors into account, the panel has decided to proceed with the hearing in the absence of Mr Kennedy.

The panel will proceed with great care and caution and with close regard to the overall fairness of these proceedings, bearing in mind that Mr Kennedy is not present or represented.

### **Application for the hearing to be held in private**

The panel considered a written request received from Mr Kennedy for the hearing to be held in private.

After hearing submissions from the presenting officer and receiving legal advice, the Chair announced the decision of the panel as follows:

The panel carefully considered the written request received from Mr Kennedy that the hearing take place in private.

There is a presumption that hearings will take place in public and there is a legitimate public interest in the openness and transparency of these disciplinary procedures.

This enables scrutiny and upholds public trust and confidence in the education profession.

The panel has decided that this hearing should take place in public.

Having considered Mr Kennedy's request, the panel considered the public interest in these proceedings taking place in public outweighs Mr Kennedy's private interests. With reference to Mr Kennedy's comments in relation to his family, the panel considered his family were unlikely to be referred to during the course of the hearing.

The panel also took into account the fact that the outcome of the hearing is to be announced in public in any event.

## **D. 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 2 to 4

Section 2: Notice of Proceedings, Response and Statement of Agreed Facts – pages 5 to 21

Section 3: NCTL documents – pages 22 to 251

Section 4: Teacher documents – pages 252 to 259

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

### **Witnesses and Statement of agreed facts**

The panel did not hear any oral evidence.

It was, however, provided with a statement of agreed facts dated 10 November 2016. On the basis of the admissions made by Mr Kennedy the National College for Teaching and Leadership resolved not to call Pupil A as a witness.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Kennedy commenced employment at the School in September 2012. He worked part time as a music teacher and also provided individual instrument tuition to pupils under a peripatetic agreement.

On 9 September 2015 a Year 12 pupil at the School, Pupil A, raised a concern with the head of Sixth Form in relation to messages she stated had been sent to her by Mr Kennedy.

A safeguarding referral was made that same day to the local authority and a strategy meeting was held on 14 September 2015. The matter was also referred to the police and on 15 September 2015 officers attended the School to arrest Mr Kennedy.

Mr Kennedy was subsequently suspended and on 7 October 2015 the School commenced an internal investigation. At the conclusion of that investigation and following a disciplinary hearing on 9 November 2015, Mr Kennedy was dismissed for gross misconduct.

On 18 December 2015 Mr Kennedy was notified by the police that no further action was being taken against him.

## **Findings of fact**

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

- 1. You engaged in inappropriate behaviour in respect of Pupil A, in that you:**
  - a. developed a friendship with her;**

This allegation was admitted by Mr Kennedy.

Mr Kennedy accepts that he engaged in inappropriate behaviour in that he developed a friendship with Pupil A.

The panel noted that during the course of his police interview on 15 September 2015 Mr Kennedy confirmed that he considered himself to be friends with Pupil A (page 70) and in a letter dated 11 May 2016 indicated that that he had discussed with Pupil A "*the fact that we were more like 'friends'*" (page 253). The evidence before the panel and the admissions made by Mr Kennedy indicated a relationship that went beyond what was appropriate as between a teacher and a pupil.

The panel accordingly considered that Mr Kennedy's conduct was such that he behaved inappropriately and failed to maintain appropriate professional standards. In doing so he ignored School policy and failed to maintain appropriate professional boundaries.

In light of the admission made and the evidence, the panel finds allegation 1(a) proven.

- b. exchanged messages with her, including via 'Snapchat';**

This allegation was admitted by Mr Kennedy.

Mr Kennedy admits that he exchanged messages with Pupil A, including via Snapchat, on a daily basis.

The panel carefully considered the content of the Snapchat messages included within the hearing bundle.

The panel noted that the messages addressed matters which were not related to School business. It considered that both the circumstances of the exchange and the content of the messages were highly inappropriate and went very far beyond what was appropriate as regards communications between a teacher and a pupil.

Accordingly, in light of the admission made and the evidence, the panel finds allegation 1(b) proven.

**c. gave her a lift in your car on one occasion or more**

Mr Kennedy admits that he gave Pupil A a lift in his car. This was a consequence of Pupil A's involvement in a School production of Alice in Wonderland. It was accepted that Mr Kennedy had collected her from a train station and/or took her home following a performance on at least one occasion.

The panel noted that the School's safeguarding procedures explicitly provided that staff should "*not offer car journeys to pupils unless in an emergency and ideally with parental permission*" (page 190). Appendix 7 to the Safeguarding Procedures, being guidelines for the arts made further reference to the need to avoid offering car journeys to pupils (page 210).

Whilst Mr Kennedy states that he assumed Pupil A's parents were aware that he would be providing her with a lift home, he took no steps to ensure that parental consent was in fact obtained.

Mr Kennedy should have recognised, given his experience, that he should not have put himself in that position and if, for the sake of Pupil A's welfare it was necessary to do so, he should have reported the matter to a senior member of staff at the School. During the course of his police interview, Mr Kennedy indicated that he may have raised the matter with the Director of music. However the panel considered his account to be vague and unclear.

Accordingly, in light of the admission made and the evidence, the panel finds allegation 1(c) proven.



## **2. Your conduct 1a and/or 1b and/or 1c above breached the School's safeguarding policy and/or procedure.**

The panel carefully considered the School's policy documents included within the bundle (pages 112 to 241). The panel noted that the School's guidelines on acceptable behaviour specifically required that staff should not, for example:

- give pupils personal contact details;
- engage with pupils using social media channels and must not follow them, or communicate with them on Snapchat and other social media;
- offer car journeys to pupils unless in an emergency and ideally with parental permission; and
- encourage or engage in inappropriate humour or chat or gestures.

Mr Kennedy admits that his conduct at allegation 1 breached these policies. He also admits that he was aware of the policies and procedures which were in place at the School and did not comply with them.

Accordingly, in light of the admission made and the evidence, the panel finds allegation 2 proven in relation to Mr Kennedy's conduct at 1a, 1b and 1c.

## **3. Your conduct at allegation 1a and/or 1b and/or 1c above was sexually motivated.**

The panel did not have the benefit of hearing first hand oral evidence from either Pupil A or Mr Kennedy.

However written accounts within the papers suggest that the relationship, described as one of friendship, first began when Pupil A was a Year 11 pupil and around the time that she became involved in the Alice in Wonderland production. Mr Kennedy had previously been Pupil A's GCSE music teacher.

The panel's findings in relation to allegation 1 were such that Mr Kennedy had subsequently engaged in inappropriate behaviour by developing a friendship with Pupil A, exchanging messages with her and providing her with a lift or lifts.

The panel considered the content of the Snapchat messages included within the bundle to be especially concerning.

The most egregious example was a message from Mr Kennedy to Pupil A requesting that she "*Show us y'boobs*" (page 40).

Mr Kennedy's explanation, which he has maintained throughout the School's disciplinary process, in police interview and in his letter to the National College dated 15 September 2016, was that the message was meant as a joke and was sent in the context of an ongoing joke between Mr Kennedy and Pupil A regarding Snapchat being linked with

sexual content. He stated that he "*had drunk too much and pushed the joke too far. I now realise it was inappropriate*" (page 92).

On the evidence before it, the panel did not consider Mr Kennedy's explanation to be credible and it did not have the benefit of hearing from him in oral evidence.

First, the panel noted that there is a suggestion that similar comments may have been made in other messages (see for example page 37 where the head of Sixth Form records Pupil A having indicated that "*he would sometimes still send the same kind of thing when sober*").

Whilst such messages were not before the panel, Mr Kennedy's account clearly alluded to prior discussions relating to the use of Snapchat as a means of exchanging sexual content. The panel considered that this, in itself, was extremely inappropriate and ran counter to Mr Kennedy's position that this was, in essence, a one-off aberration.

Further, whilst in his various accounts Mr Kennedy has focused predominantly on this particular message, the panel considered that there were other messages which contained content that was clearly of a sexual nature. There were numerous other comments which were troubling, namely:

- "*Because you look good, and I would like to see more, and you don't wanna play, and that makes me sad, and I got really excited*"
- "*I thought you liked me*"
- "*But I think I like you a lot more than you like me*"
- (in response to a comment from Pupil A that she likes Mr Kennedy) "*But not in a 'I want to kiss your face' type way.*"
- "*I adore you*"
- "*I like you*"

The panel also had regard to the request made by Mr Kennedy for Pupil A to delete the messages.

The panel considered that this indicated that Mr Kennedy knew the conversation was wrong and inappropriate, which he accepted during the course of his police interview (page 75). By his own admission he was also aware of the School's policies to which the panel had regard.

The panel took careful account of Mr Kennedy's various denials that he had any sexual feelings towards Pupil A and that he was not sexually motivated. It also had regard to his prior good history.

However the panel considered that Mr Kennedy's denials were undermined by the fact that he accepted that he considered Pupil A to be "*pretty*" during the course of his police interview.

The panel also considered that his suggestion that he simply made a mistake in relation to a one-off message, which he attributed as a joke, was undermined by the messages considered as a whole and his general conduct in relation to the friendship. This included the fact that he saw fit to engage in personal communications outside of the School system. He accepted that they 'spoke' almost every day (page 257). His conduct, considered as a whole, did not support the contention that this was a one-off event.

The panel considered that he clearly had a particular interest in Pupil A which was the likely motivation behind his being prepared to offer her lifts in the absence of parental consent and without having raised the matter with senior management.

Further, the relationship and exchange of messages did not conclude after that particular message. Messages continued to be exchanged despite, it would appear, Mr Kennedy having been contacted by a friend of Pupil A requesting that he cease further contact. In fact his conduct only ceased following the matter having been reported to the head of Sixth Form at the School.

On balance and having carefully weighed all of the evidence, the panel accordingly considered that Mr Kennedy's conduct was sexually motivated.

The panel of course had no direct evidence of Mr Kennedy's motives. It was not therefore possible, for example, to determine if Mr Kennedy was hoping to have a relationship with Pupil A or if he was seeking more immediate sexual gratification. It accepted the assertion in Mr Kennedy's letter dated 15 September 2016 that he had not in fact made any attempt to take advantage of or touch Pupil A in any way. The panel nevertheless considered that, on the balance of probabilities and considering the evidence as a whole, the appropriate inference to be drawn as regards the development of his friendship with Pupil A, the messages exchanged on Snapchat and the giving of lifts was that Mr Kennedy's actions were for some form of sexual gratification.

Whilst the relationship may have started out within the proper boundaries of a teacher/pupil relationship, it would appear that at some point it changed. This is supported by various accounts provided by Pupil A included within the papers. For example, there is reference to a large volume of messages and an indication that Pupil A "*felt that the tone of Mr Kennedy's messages had changed over time*" (page 45). The panel considered that the nature of the communications within the bundle in particular was such that it was appropriate to infer that his conduct overall was sexually motivated.

The panel considered that the development of the friendship, the offering of a lift or lifts to Pupil A and the exchanges of messages between Mr Kennedy and Pupil A were

inherently linked and so closely intertwined that it was appropriate to consider allegations 1a, 1b and 1c, as proven, together.

On that basis and for the above reasons the panel finds allegation 3 proven in relation to Mr Kennedy's conduct at allegations 1a, 1b and 1c.

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

Having found the allegations to be proven, the panel has gone on to consider whether the facts of those proven allegation amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The prohibition of teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Mr Kennedy in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Kennedy is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Kennedy fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Kennedy's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice, however it found that none of these offences were relevant.

Accordingly, the panel is satisfied that Mr Kennedy is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Kennedy's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2 and 3 proved, we therefore further find that Mr Kennedy's conduct amounts to both unacceptable professional conduct and 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 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 considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Kennedy, including that he had engaged in an inappropriate relationship with Pupil A which the panel considered to be sexually motivated, there is a strong public interest consideration in respect of the protection of pupils given the serious finding of an inappropriate relationship with a pupil.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Kennedy were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Mr Kennedy was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Kennedy. 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, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust; and
- sexual misconduct.

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, particularly taking into account the nature and severity of the behaviour in this case.

There is no evidence that Mr Kennedy has shown any insight in relation to his actions. Whilst there is evidence that Mr Kennedy is a teacher of good record and some letters of support are included within the bundle, the panel considered that this did not outweigh the seriousness of his actions. There was no evidence that the teacher's actions were not deliberate.

The panel is of the view that prohibition is both proportionate and appropriate. Whilst the panel had regard to the lesser sanction of a finding of misconduct, it considered that the conduct found proved was fundamentally incompatible with Mr Kennedy continuing to practice as a teacher. The panel has therefore decided that the public interest considerations outweigh the interests of Mr Kennedy. Accordingly, the panel makes 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct that had the potential to result in, harm to a person, particularly where the individual has used their professional position to influence or exploit a person. The panel consider that the conduct found would inevitably have had an impact upon Pupil A which had the potential to be considerable. Mr Kennedy has also shown limited, if any, insight into his actions.

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

## **Decision and reasons on behalf of the Secretary of State**

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

The panel has found all of the facts proven, and that Mr Kennedy's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

I have noted that the panel is satisfied that the conduct of Mr Kennedy involved breaches of the Teachers' Standards. I agree with the panel's view. The panel considers that by reference to Part Two, Mr Kennedy is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I have considered carefully the particular public interest considerations set out in the Advice and I have noted the panel's considerations. The panel has found a number of public interest considerations to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. I agree with the panel's view that these are relevant in this case.

In light of the panel's findings against Mr Kennedy, including that he had engaged in an inappropriate relationship with a pupil, which the panel considered to be sexually motivated, I agree with the panel that there is a strong public interest consideration in respect of the protection of pupils.

I have taken into account the advice published by the Secretary of State which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust; and
- sexual misconduct.

The particulars of the allegations found proven are, in the view of the panel, and in my view, fundamentally incompatible with being a teacher.

I have taken into account the need to balance the interests of the teacher and the interests of the wider profession and public. I have also taken into account the need to be proportionate.

I am aware that the panel considers there is no evidence that Mr Kennedy has shown any insight in relation to his actions. Whilst there is evidence that Mr Kennedy is a teacher of good record, the panel considered that this did not outweigh the seriousness of his actions. There was no evidence that Mr Kennedy's actions were not deliberate.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Kennedy, and has recommended that a prohibition order should be imposed with immediate effect.

I agree with the panel that Mr Kennedy should be prohibited from teaching, and in my view this is both an appropriate and proportionate response.

I have gone on to consider the matter of a review period. I have observed that the panel noted that Mr Kennedy has a previously good record.



The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct that had the potential to result in harm to a person, particularly where the individual has used their professional position to influence or exploit a person. I agree with the panel's view when they consider that the conduct found would inevitably have had an impact upon Pupil A and had the potential to be considerable. I have also considered the panel's view that Mr Kennedy has also shown limited, if any, insight into his actions.

For the reasons set out above, I consider that it is proportionate and in the public interest to accept the recommendation of the panel that there be no review period.

**This means that Mr Toby Kennedy 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 Kennedy 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 Kennedy has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

**Decision maker: Jayne Millions**

**Date: 28 February 2017**

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