



Teaching  
Regulation  
Agency

# **Mr Joseph O'Brien: Professional conduct panel outcome**

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

**February 2020**

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

**Teacher:** Mr Joseph O'Brien

**Teacher ref number:** 1665469

**Teacher date of birth:** 5 June 1993

**TRA reference:** 18101

**Date of determination:** 27 February 2020

**Former employer:** Gretton School, Cambridge

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 25 to 27 February 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Joseph O'Brien.

The panel members were William Brown OBE (lay panellist – in the chair), Professor Roger Woods (former teacher panellist) and Ms Alison Walsh (teacher panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Sarah Allen of counsel, instructed by DAC Beachcroft LLP.

Mr O'Brien was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 November 2019.

It was alleged that Mr O'Brien was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst working as a teacher at Gretton School:

1. In or around May 2017, he made an unauthorised home visit to Pupil A's home;
2. On or around 16 November 2017, he accompanied Pupil A alone on a walk off-site;
3. On or about 20 November 2017, he accompanied Pupil B alone on a walk-off site for approximately 15 minutes;
4. In or around July 2018, he attended at the school smelling of alcohol on at least one occasion;
5. In or around October 2018, he attended at the school smelling of alcohol on at least two occasions;
6. In or around October 2018, he offered to take Pupil A for a walk and to tell him "a secret";
7. On or about October 2018, during a staff briefing, in dealing with Witness E, a member of the school's management, he:
  - a. Raised his voice to her;
  - b. Responded to her in an aggressive manner;
  - c. Swore at her, using words to the effect of "what's the fucking point of STL if, when I send an email...";
8. On or around 8 October 2018, he told a colleague that Witness E could "fuck off", or words to similar effect;
9. By his conduct as set out in the following paragraphs, he failed to observe a proper boundary appropriate to a teacher's professional position;
  - a. Paragraph 1;
  - b. Paragraph 2;
  - c. Paragraph 3;

d. Paragraph 6;

10. By his conduct as set out in the following paragraphs, he failed to maintain high standards of behaviour;

a. Paragraph 4;

b. Paragraph 5;

c. Paragraph 7;

d. Paragraph 8.

There were no admissions made by Mr O'Brien, other than an acceptance in an email written by him to the TRA on 24 February 2020 that he did smell of alcohol on the occasions alleged. Other than his acceptance of these facts (allegations 4 and 5), all matters were disputed.

## **Preliminary applications**

Mr O'Brien did not attend the hearing. The presenting officer made an application for the hearing to proceed in Mr O'Brien's absence.

Mr O'Brien had not previously responded to the Notice of Proceedings, or prior to 24 February 2020, put forward any written observations in relation to the allegations made against him. On 24 February, Mr O'Brien emailed the TRA asking that the hearing be postponed as a family member had been taken ill. No further details were provided other than that the prognosis for his family member was "not positive". In a subsequent email on the same day (prior to any decision being made to proceed in his absence), he confirmed that it would be his intention to attend any rescheduled hearing. However, in anticipation that the hearing would proceed, he provided a 4 page statement outlining his position in relation to the allegations made against him.

The panel allowed the TRA's application to proceed in absence. The panel concluded that they were not confident, given his earlier lack of written communication with the TRA about his case, that Mr O'Brien would attend any rescheduled hearing. The panel noted that no supporting evidence had been provided in relation to Mr O'Brien's family member's illness and why this prevented Mr O'Brien from attending the hearing. Furthermore, the panel were in possession of Mr O'Brien's statement and were therefore satisfied that the disadvantage to Mr O'Brien in the hearing going ahead in his absence was limited.

The panel further noted that a number of witnesses were present at the hearing ready to provide live evidence.

While exercising the utmost care and caution before concluding that it would be fair and just to proceed in Mr O'Brien's absence, the panel concluded that the lack of information in support of the reason put forward for his absence, his lack of substantial communication with the TRA about the case against him prior to 24 February 2020 and the receipt of a statement from him on 24 February, enabled the hearing to properly and fairly go ahead in Mr O'Brien's absence.

Mr O'Brien was then advised by email that the hearing was to proceed in his absence. No response was received.

Mr O'Brien's emails of 24 February 2020 and his witness statement as referred to above, were added to the hearing bundle at pages 298 to 304.

During the course of the hearing the panel agreed to remove the word "off-site" from factual particular 3 and admit the signed statement of Witness F (with associated exhibits). The panel considered these matters to be non-prejudicial to Mr O'Brien's position. Witness F's statement and exhibits were added to the bundle as pages 305 to 314. The presenting officer had sent these documents to Mr O'Brien and expressed her intention to apply for them to be added to the hearing bundle.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, Identification key and list of roles – pages 1 to 4

Section 2: Notice of Hearing – pages 5 to 12

Section 3: Teaching Regulation Agency witness statements – pages 13 to 40

Section 4: Teaching Regulation Agency documents – pages 41 to 297

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

The details of all added documents are outlined above.

### **Witnesses**

The panel heard live evidence from:

1. Witness A – [redacted]
2. Witness B – [redacted]

3. Witness C – [redacted]
4. Witness D – [redacted]
5. Witness E – [redacted]
6. Witness F – [redacted] (by Skype).

## Decision and reasons

The panel announced its decision and reasons as follows:

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

This case concerned an unqualified English teacher and form tutor who was employed at Gretton School in Cambridge (“the School”). The School is an independent special school for pupils aged 5 to 19 who have a diagnosis of autism or Asperger's syndrome. Some of the pupils board at the school.

Mr O'Brien was accused of abusive and aggressive behaviour towards his colleagues, attending school smelling of alcohol and conducting some of his personal contact with pupils in a way that failed to observe proper professional boundaries, in that he made an unauthorised home visit to a pupil's home and took pupils for walks alone, both on and off the school site, when it was not appropriate for him to do so.

## 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:

- 2. On or around 16 November 2017, you accompanied Pupil A alone on a walk off-site;**

Mr O'Brien admitted, in his statement at page 302 of the bundle, that he accompanied Pupil A on an off-site walk. It is further confirmed by him at page 252 of the bundle, which is the transcript of Mr O'Brien's appeal hearing. The incident was also reported in the log of concerns, found at page 77 of the bundle. This incident was clearly thought of as abnormal and not acceptable practice at the School, hence it being recorded in the log of concerns.

- 3. On or about 20 November 2017, you accompanied Pupil B alone on a walk for approximately 15 minutes;**

The panel found Witness D's oral evidence compelling in relation to this incident. That evidence was supported by the entry in the log of concerns that appeared at pages 92-93 of the bundle. This clearly confirmed that Mr O'Brien went outside with Pupil B and refused a chaperone, despite colleagues offering to accompany him with Pupil B outside the boarding house. His insistence that he spent time with Pupil B alone refusing to explain why, was clearly considered to be an abnormal event, hence the recording of it in the log of concerns.

- 4. In or around July 2018, you attended at the school smelling of alcohol on at least one occasion;**
- 5. In or around October 2018, you attended at the school smelling of alcohol on at least two occasions;**

A number of witnesses provided evidence of these events both in their statements and in live evidence. This included the oral evidence of Witness F. In addition, Mr O'Brien admitted these allegations by way of his email dated 24 February 2020 (2.58pm) and in his statement (page 302 of the bundle).

- 7. On or about October 2018, during a staff briefing, in dealing with Witness E, a member of the school's management, you:**
  - a. Raised your voice to her;**
  - b. Responded to her in an aggressive manner;**
  - c. Swore at her, using words to the effect of "what's the fucking point of STL if, when I send an email...";**

The panel accepts that these events occurred on the basis of the compelling oral evidence of Witness E and Mr O'Brien's admission in his statement (bundle page 303) as to the words used (as described in particular 7.c).

- 8. On or around 8 October 2018, you told a colleague that Witness E could "fuck off", or words to similar effect;**

Similarly, Witness F provided compelling oral evidence in relation to this incident and the panel was satisfied that the events occurred as described and alleged. The panel further noted that Mr O'Brien, in his statement (bundle page 304), said "he could not confirm the words I said...I was affronted...I reacted in a way that was indicative of the mood I was in."

- 9. By your conduct as set out in the following paragraphs, you failed to observe a proper boundary appropriate to a teacher's professional position;**



- a. Paragraph 1;**
- b. Paragraph 2;**
- c. Paragraph 3;**
- d. Paragraph 6;**

These factual particulars are proved in part by way of the panel's findings in relation to factual particulars 2 and 3. Particulars 9.b and 9.c are found proved on the basis that Mr O'Brien's actions in accompanying Pupil A and Pupil B on the walks in question alone clearly demonstrated a failure to observe proper professional boundaries appropriate to his professional position. Particulars 9.a and 9.b fall away as the panel did not find factual particulars 1 and 6 proved.

**10. By his conduct as set out in the following paragraphs, he failed to maintain high standards of behaviour;**

- a. Paragraph 4;**
- b. Paragraph 5;**
- c. Paragraph 7;**
- d. Paragraph 8.**

These factual particulars are proved in full by way of the panel's findings in relation to factual allegations 4, 5, 7 and 8. Clearly, attending work smelling of alcohol and being abusive and aggressive towards a colleague, amount to repeated failures to maintain high standards of behaviour within the school.

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

**1. In or around May 2017, you made an unauthorised home visit to Pupil A's home;**

The panel was clear that Mr O'Brien did go to Pupil A's home for a visit but also noted that Witness E stated in her oral evidence that prior to 2018 such a visit could happen and not be in breach of any school structures. Witness B, [redacted], further stated that the proper approach to such situations was not at all clear for the school's staff when he arrived. Mr O'Brien said in his statement (bundle page 301) that he discussed his approach with colleagues Individual G and Individual H. This evidence was untested due to Mr O'Brien's absence from the hearing but was considered by the panel to be the only positive evidence available in relation to the question of whether the visit was authorised or not. No compelling evidence was presented to the panel to support the contention that the visit had not been authorised.

**6. In or around October 2018, you offered to take Pupil A for a walk and to tell him "a secret";**

The panel considered Pupil A's hearsay evidence, as provided in oral evidence by Witness E, to be insufficient for this matter to be proved to the required standard of proof. Witness E's evidence was of course credible, and the panel deemed it reliable. However, it was the only evidence available in support of this allegation and the panel did not consider it to be sufficient, in the circumstances, for the panel to be satisfied that this is what was said to Pupil A by Mr O'Brien.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr O'Brien, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr O'Brien was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that the conduct of Mr O'Brien amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The allegations found proved firstly demonstrated Mr O'Brien's propensity to be at the school smelling of alcohol. The oral evidence that the panel heard demonstrated that he was either attending school having consumed significant amounts of alcohol the previous evening, overnight or even during the school day. This clearly amounts to a serious falling short of expected standards of personal/professional behaviour.

The oral evidence also demonstrated that he had been repeatedly aggressive and abusive towards a colleague on the school premises. This further demonstrated his propensity to behave in a way that falls seriously short of required high standards of ethics and behaviour.

Furthermore, he accompanied two pupils at the school on walks when unaccompanied by another member of staff, despite the offer of a chaperone. This was a serious breach of the school's procedures, as demonstrated by the records in the logs of concern commencing in 2017. These actions amounted to a failure to maintain appropriate boundaries in the teacher/pupil relationship.

These were repeated serious shortcomings when viewed alongside Part Two of the personal and professional conduct requirements of the Teachers' Standards.

Accordingly, the panel was satisfied that Mr O'Brien was guilty of unacceptable professional conduct.

Furthermore, the panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel concluded that the findings of misconduct were so serious that they would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession.

The panel therefore also found that Mr O'Brien's conduct amounted to conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr O'Brien, which involved serious breaches of Part Two of the Teachers' Standards both in relation to standards of personal / professional conduct and failures to maintain proper professional boundaries with pupils, there was a strong public interest consideration in respect of the protection of pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr O'Brien was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr O'Brien. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

The panel reminded itself of the range of concerns that presented in this case. Mr O'Brien had attended school repeatedly smelling of alcohol and embarked on aggressive and abusive verbal attacks on a colleague. Furthermore he had a responsibility to vulnerable pupils and the contact of concern that he had with Pupil A and Pupil B demonstrated an

abuse of the trust placed in him as a teacher at what was a school for pupils with special needs.

The panel particularly noted that he failed to moderate his behaviour in this regard despite the concerns of colleagues being repeatedly explained to him. He cultivated troubling and unhealthy relationships with pupils that reduced their independence.

The panel noted how serious and troubling this behaviour was and Mr O'Brien's lack of remorse or insight into the way that he had conducted himself. The panel could only conclude that there would be a real risk of repeat of such behaviour and Mr O'Brien would therefore be a danger to pupils should he be able to teach again.

Although Mr O'Brien did have a previously good history, concerns were logged in relation to his behaviour from 2017, and no other mitigation was put forward to, in any way, counter the aggravating features of this case as outlined above.

The panel therefore considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr O'Brien of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr O'Brien. His lack of insight, remorse and apparent deep seated attitude towards colleagues' concerns about his behaviour was a significant factor in forming that opinion, as was the serious breach of trust that he had demonstrated. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

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

The panel reached this conclusion due to the seriousness and breadth of the breaches of Part Two of the Teachers' Standards by Mr O'Brien. His lack of insight into this behaviour both at the time and at this hearing assisted the Panel in forming this view. The strength of the position of trust that he was in and the extent to which he therefore abused that trust was deeply troubling to the Panel. The panel ultimately could not envisage Mr O'Brien not being at risk of repeating such dangerous behaviour in the future.

## **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 to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

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

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

The panel was also, "satisfied that the conduct of Mr O'Brien amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a range of findings, including abuse of colleagues and breaching of boundaries with pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr O'Brien, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "the contact of concern that he had with Pupil A and Pupil B demonstrated an abuse of the trust placed in him as a teacher at what was a school for pupils with special needs."

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted how serious and troubling this behaviour was and Mr O'Brien's lack of remorse or insight into the way that he had conducted himself. The panel could only conclude that there would be a real risk of repeat of such behaviour and Mr O'Brien would therefore be a danger to pupils should he be able to teach again."

In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils and colleagues. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel concluded that the findings of misconduct were so serious that they would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession."

I am particularly mindful of the finding of breaching of boundaries in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, 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 O’Brien himself. The panel comment “Although Mr O’Brien did have a previously good history, concerns were logged in relation to his behaviour from 2017, and no other mitigation was put forward to, in any way, counter the aggravating features of this case as outlined above.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has also said, “he failed to moderate his behaviour in this regard despite the concerns of colleagues being repeatedly explained to him. He cultivated troubling and unhealthy relationships with pupils that reduced their independence.”

I have also placed considerable weight on the comments of the panel that, “the public interest considerations outweighed the interests of Mr O’Brien. His lack of insight, remorse and apparent deep seated attitude towards colleagues’ concerns about his behaviour was a significant factor in forming that opinion, as was the serious breach of trust that he had demonstrated.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr O’Brien has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “due to the seriousness and breadth of the breaches of Part Two of the Teachers’ Standards by Mr O’Brien. His lack of insight into this behaviour both at the time and at this hearing assisted the Panel in forming this view.



The strength of the position of trust that he was in and the extent to which he therefore abused that trust was deeply troubling to the Panel. The panel ultimately could not envisage Mr O'Brien not being at risk of repeating such dangerous behaviour in the future."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is a proportionate period and necessary to achieve the aim of maintaining public confidence in the profession. In this case, three factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the wide range of serious concerns found against Mr O'Brien, the serious nature of the breach of trust displayed and the lack of either insight or remorse.

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

**This means that Mr Joseph O'Brien 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 Joseph O'Brien 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 Joseph O'Brien 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.



**Decision maker: Alan Meyrick**

**Date: 28 February 2020**

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