



Teaching
Regulation
Agency

Mrs Kimberley Blackburn: Professional conduct panel outcome

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

March 2020

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

Teacher: Mrs Kimberley Blackburn
Teacher ref number: 0363735
Teacher date of birth: 07 May 1982
TRA reference: 18352
Date of determination: 10 March 2020
Former employer: Bedford High School, Leigh

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 March 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Kimberley Blackburn.

The panel members were Mr John Matharu (lay panellist – in the chair), Mrs Ann Walker (former teacher panellist) and Mr Alex Osiatynski (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mrs Blackburn that the allegations be considered without a hearing. Mrs Blackburn provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer (Mr Andrew Cullen) or Mrs Blackburn.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 25 February 2020.

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

Whilst employed as the English Teaching and Learning Manager at the Bedford High School from September 2012 to March 2019, she

1. failed to maintain appropriate professional boundaries with Pupil A, on one or more occasions between 2018 – 2019, by:
 - a. sending and/ or exchanging emails with Pupil A, including emails which:
 - i. were sent during the evening/night and/or during the school holidays and/or at weekends;
 - ii. related to Pupil A's [redacted];
 - iii. contained words such as "sweetie" and/or "love";
 - iv. contained an 'x', indicating a kiss/kisses;
 - v. referred to her own personal family issues;
 - b. sending and/or exchanging emails with Pupil A which undermined and/or had the potential to undermine the Designated Safeguarding Lead;
2. failed to notify and/or failed to notify at the earliest opportunity to the Designated Safeguarding Lead and/or report and/or report at the earliest opportunity on CPOMIS that:
 - a. [redacted];
 - b. Pupil A had made one or more comments to her within emails sent between December 2018 and January 2019 [redacted];
 - i. on 17th December 2019, Pupil A stated [redacted];
 - ii. on 18th December 2018, Pupil A stated [redacted];
 - iii. on 18th December 2018, Pupil A stated [redacted];
 - iv. on 19th December 2018, Pupil A stated [redacted];
 - v. on 20th December, Pupil A stated [redacted];
 - vi. on 21st December 2018, Pupil A stated [redacted];
 - vii. on 27th December 2018, Pupil A stated [redacted];
 - viii. on 12th January 2019, Pupil A stated [redacted].

3. Her actions as may be found at allegations 1 and/or 2b above constituted a failure to follow requests/instructions given by the Designated Safeguarding Lead, in particular, the following requests/ instructions:
 - a. on 23rd November 2018 when she was informed by email of the procedure for reporting a safeguarding concern;
 - b. on 13th December 2018, when she was instructed by email to log all concerns regarding Pupil A on CPOMS;
 - c. on 13th December 2018, when she was instructed by email to direct Pupil A to the Designated Safeguarding Lead if Pupil A approached her with any issue other than her English work;
 - d. on 11th January 2019, when she was instructed by email to report all safeguarding concerns on CPOMS and/ or to notify the Designated Safeguarding lead immediately;
 - e. on 14th January 2019, when she was instructed by email to avoid emailing Pupil A;
 - f. between November 2018 and January 2018, when she was given verbal instructions on one or more occasions to report any concerns she had about Pupil A to the Designated Safeguarding Lead.

Mrs Blackburn has admitted each of the allegations and has admitted that her conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 3

Section 2: Notice of referral, response and notice of meeting– pages 4 – 11b

Section 3: Statement of Agreed Facts and presenting officer's representations – pages 12 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 351

Section 5: Teacher documents – pages 353 to 356.

In addition, the panel agreed to accept the following:

a revised Notice of meeting dated 25 February 2020 – pages 11c to 11f

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and the additional document admitted by the panel.

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts which was signed by Mrs Blackburn on 17 January 2020.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mrs Blackburn for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case. The panel noted there were two minor inconsistencies between the evidence and the allegations in respect of allegations 2b(vii) and 3c, but considered this to be a clear typographical error and that it would not be in the public interest, nor the interest of the teacher for this case to be adjourned for a hearing to be convened.

Mrs Blackburn was employed as an English Teaching and Learning Manager at Bedford High School ("the School") on 1 September 2012. On 14 January 2019, the Designated Safeguarding lead raised concerns regarding the volume and nature of email communication between Pupil A and Mrs Blackburn. On 25 January 2019, Mrs Blackburn was suspended from her position. On 22 March 2019, Mrs Blackburn ceased working at the School following her resignation. On 3 May 2019, Mrs Blackburn was referred by her employer to the TRA.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as the English Teaching and Learning Manager at the Bedford High School from September 2012 to March 2019, she

- 1. failed to maintain appropriate professional boundaries with Pupil A, on one or more occasions between 2019 – 2019, by:**
 - a. sending and/ or exchanging emails with Pupil A, including emails which:**

- i. were sent during the evening/night and/or during the school holidays and/or at weekends;**
- ii. related to Pupil A's [redacted];**
- iii. contained words such as "sweetie" and/or "love";**
- iv. contained an 'x', indicating a kiss/kisses;**
- v. referred to her own personal family issues;**

Mrs Blackburn has admitted in the Statement of Agreed Facts that she was employed as an English Teacher and Learning Manager at the School from 1 September 2012 to 22 March 2019. Mrs Blackburn has accepted the allegations set out above at paragraphs 1a(i) to (v).

The panel has seen various examples of emails which were sent by Mrs Blackburn to Pupil A during the evening (after school hours), during the Christmas school holidays and at weekends. The panel has seen emails dated 12 January 2019 from Mrs Blackburn addressed to Pupil A, referring to her as "Sweetie", as "love" and signed off with an "x" which the panel took to indicate a kiss. The panel has also seen an email of 12 January 2019 in which Mrs Blackburn has referred to personal matters relating to the health condition of someone close to her. Throughout the exchanges of emails with Pupil A there is a thread relating to Pupil A's [redacted], starting with an email from Pupil A on 23 November 2018 as to [redacted] and continuing through to 25 January 2019. Having reviewed the exchanges of emails, the panel has found the entirety of allegation 1a(i) to (v) proven.

b. sending and/or exchanging emails with Pupil A which undermined and/or had the potential to undermine the Designated Safeguarding Lead;

Mrs Blackburn has admitted this allegation in the Statement of Agreed Facts. The panel has seen emails dated 18 December 2018 and 12 January 2019 which the panel considered undermined or had the potential to undermine the Designated Safeguarding Lead. The panel therefore found allegation 1b proven.

2. failed to notify and/or failed to notify at the earliest opportunity to the Designated Safeguarding Lead and/or report and/or report at the earliest opportunity on CPOMS that:

a. [redacted];

Mrs Blackburn has admitted signing out of school at approximately 15:02 on 9 November. She has admitted that the Designated Safeguarding Lead emailed her at 15:42 querying whether Pupil A had shown her any evidence [redacted]. Mrs Blackburn has admitted that she responded at 16:30 [redacted]. Mrs Blackburn has admitted that she failed to notify the Designated Safeguarding Lead at the earliest opportunity and failed to report the incident at the earliest opportunity on the School's safeguarding and child protection system (CPOMS). The panel has seen this email exchange and

considered that Mrs Blackburn ought to have reported this issue at the earliest opportunity after Pupil A had brought it to her attention and before leaving the school that day. The panel therefore found allegation 2a proven.

- a. Pupil A had made one or more comments to her within emails sent between December 2018 and January 2019 which [redacted];**
 - i. on 17th December 2019, Pupil A stated [redacted];**
 - ii. on 18th December 2018, Pupil A stated [redacted];**
 - iii. on 18th December 2018, Pupil A stated [redacted];**
 - iv. on 19th December 2018, Pupil A stated [redacted];**
 - v. on 20th December, Pupil A stated [redacted];**
 - vi. on 21st December 2018, Pupil A stated [redacted];**
 - vii. on 27th December 2018, Pupil A stated [redacted];**
 - viii. on 12th January 2019, Pupil A stated [redacted].**

Mrs Blackburn has admitted in the Statement of Agreed Facts that she had failed to notify the Designated Safeguarding Lead and report on CPOMS the comments set out at 2b(i) to (viii) above made by Pupil A in email communications with her. She has accepted that she should have reported each of these comments to the Designated Safeguarding lead and on CPOMS immediately. The panel has seen the email communications from Pupil A and are satisfied that Pupil A made the comments to Mrs Blackburn as alleged at 2b(i) to (viii) above, save that allegation 2b(vii) contained a typographical error in that the email of 27th December 2019 [redacted]. The panel did not consider that this affected the substance of the allegation, since the thrust of the allegation clearly relates to the failure by Mrs Blackburn to take action upon receipt of the email. The panel accepted that each of the comments related to Pupil A [redacted] and were of the view that she ought to have reported them to the Designated Safeguarding Lead and/or on CPOMS immediately. The panel found allegation 2b proven.

- 3. Her actions as may be found at allegations 1 and/or 2b above constituted a failure to follow requests/instructions given by the Designated Safeguarding Lead, in particular, the following requests/ instructions:**
 - a. on 23rd November 2018 when she was informed by email of the procedure for reporting a safeguarding concern;**
 - b. on 13th December 2018, when she was instructed by email to log all concerns regarding Pupil A on CPOMS;**
 - c. on 13th December 2018, when she was instructed by email to direct Pupil A to the Designated Safeguarding Lead if Pupil A approached her with any issue other than her English work;**

- d. on 11th January 2019, when she was instructed by email to report all safeguarding concerns on CPOMS and/ or to notify the Designated Safeguarding lead immediately;**
- e. on 14th January 2019, when she was instructed by email to avoid emailing Pupil A;**
- f. between November 2018 and January 2018, when she was given verbal instructions on one or more occasions to report any concerns she had about Pupil A to the Designated Safeguarding Lead.**

In the Statement of Agreed Facts, Mrs Blackburn has admitted having received the instructions at allegations 3(a) to (f) and having knowingly failed to follow them. The panel has seen the emails referred to at paragraphs 3(a) to (e) and accepted that Mrs Blackburn received the instructions as alleged (save that there is a minor typographical error in allegation 3(c) as the email referred to is dated 12 December 2018). Again, the panel did not consider that this typographical error affected the substance of the allegation since the substance of the allegation is that Mrs Blackburn failed to follow the instructions given to her. The panel also had regard to a witness statement from the Designated Safeguarding Lead which stated that after 9th November 2018, she had informal conversations with Mrs Blackburn on a weekly basis which became more frequent in December 2018 during which she reminded Mrs Blackburn to follow the procedure and report on CPOMS. The Designated Safeguarding Lead referred specifically to a conversation that she had with Mrs Blackburn on 8th January in which she told her that she must call for support from her, Pastoral Guidance Officers or Duty Officer and that all concerns must be logged on CPOMS. The panel found allegation 3 proven in its entirety.

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

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

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

The panel was satisfied that the conduct of Mrs Blackburn in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mrs Blackburn 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, 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 was satisfied that the conduct of Mrs Blackburn fell significantly short of the standards expected of the profession. The panel was concerned that Pupil A was especially vulnerable and that these were circumstances that required Mrs Blackburn to exercise particular caution rather than failing to follow the advice that she had been given.

The panel also considered whether Mrs Blackburn's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Mrs Blackburn was guilty of unacceptable professional conduct.

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 they behave.

The panel therefore found that Mrs Blackburn's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Mrs Blackburn's conduct amounted 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 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 Mrs Blackburn, which involved continuing to exchange emails with a vulnerable pupil, in full knowledge of that pupil's vulnerability and in contravention of instructions she had been given, there was a strong public interest consideration in respect of the protection of pupils [redacted].

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

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Blackburn was outside that which could reasonably be tolerated.

Although no doubt had been cast upon Mrs Blackburn's abilities as an educator, the panel did not consider that retaining Mrs Blackburn in the profession was of particular weight given the concerns relating to the protection of pupils.

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 Mrs Blackburn.

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 Mrs Blackburn. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mrs Blackburn's actions were not deliberate given the repeated instructions she received that she did not follow.

There was no evidence to suggest that Mrs Blackburn was acting under duress, although the panel accepted her evidence [redacted]. The panel also noted that Mrs Blackburn had previously referred to difficulties in interpersonal relationships between some of her colleagues which she felt may have affected her judgement. The panel, however, was particularly concerned that Mrs Blackburn has stated that she felt [redacted] into responding to Pupil A, given the vulnerability of Pupil A and the potentially serious consequences of Mrs Blackburn's interaction with her.

Mrs Blackburn did have a previously good history. The panel considered Mrs Blackburn's explanation for her actions, that she acted outside of her normal behaviour [redacted]. Mrs Blackburn had however, received appropriate safeguarding training; she had received direct and clear advice specific to Pupil A. The particular vulnerability of Pupil A made it paramount that such advice be followed. Regardless of Mrs Blackburn's personal issues at the time, Pupil A [redacted] required that she be handled with care and in accordance with the instructions of the Designated Safeguarding Lead. [redacted] Mrs Blackburn's actions undermined those responsible for safeguarding Pupil A, putting Pupil A at significant risk of harm.

The panel accepted that there has been no criticism of Mrs Blackburn's teaching ability. Although the panel has seen a reference provided in 2012 prior to Mrs Blackburn's appointment at the school, no references have been provided from any colleagues that could attest to her current abilities as a teacher.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Blackburn 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 Mrs Blackburn. The potential risk that Mrs Blackburn posed to an [redacted] was a significant

factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. None of the behaviours listed are applicable in this case.

The panel was concerned that Mrs Blackburn's representations to this panel focused largely on the impact of her actions upon herself. Whilst she has acknowledged that she had not meant to undermine the Designated Safeguarding Lead, Mrs Blackburn has shown little insight as to the potential consequences for Pupil A herself.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after three years to enable sufficient time to have passed for Mrs Blackburn to reflect and develop the insight that may help to protect pupils 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mrs Blackburn should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Mrs Blackburn 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, 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 finds that the conduct of Mrs Blackburn fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of failure to safeguard.

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 Mrs Blackburn, and the impact that will have on her, 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, "In the light of the panel's findings against Mrs Blackburn, which involved continuing to exchange emails with a vulnerable pupil, in full knowledge of that pupil's vulnerability and in contravention of instructions she had been given, there was a strong public interest consideration in respect of the protection of pupils [redacted]." 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 was concerned that Mrs Blackburn's representations to this panel focused largely on the impact of her actions upon herself. Whilst she has acknowledged that she had not meant to undermine the Designated Safeguarding Lead, Mrs Blackburn has shown little insight as to the potential consequences for Pupil A herself." In my judgement, the lack of insight means that there

is some risk of the repetition of this behaviour and this puts at risk future pupils' safety. 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, "that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Blackburn were not treated with the utmost seriousness when regulating the conduct 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 Mrs Blackburn herself. The panel say, "Mrs Blackburn did have a previously good history." and also that, "Although the panel has seen a reference provided in 2012 prior to Mrs Blackburn's appointment at the school, no references have been provided from any colleagues that could attest to her current abilities as a teacher."

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

I have given less weight in my consideration of sanction, to the contribution that Mrs Blackburn 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 a three-year review period.

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after three years to enable sufficient

time to have passed for Mrs Blackburn to reflect and develop the insight that may help to protect pupils in the future.”

I have considered whether a three-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, two 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 serious nature of the behaviour found and the lack of full insight or remorse.

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

This means that Mrs Kimberley Blackburn is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 25 March 2023, three years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Blackburn remains prohibited from teaching indefinitely.

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

Mrs Kimberley Blackburn 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.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, flowing script.

Decision maker: Dawn Dandy

Date: 18 March 2020

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