



National College for
Teaching & Leadership

Mr Edward Merry: Professional conduct panel outcome

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

April 2016

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

Teacher: Edward Merry
Teacher ref number: 0318588
Teacher date of birth: 7 October 1975
NCTL case reference: 13125
Date of determination: 21 April 2016
Former employer: Hedingham School and Sixth Form Academy

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 April 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Edward Merry

The panel members were Ms Nicole Jackson (lay panellist – in the chair), Mr Michael Lesser (teacher panellist) and Mr Ryan Wilson (teacher panellist).

The legal adviser to the panel was Mr Peter Shervington of Eversheds LLP solicitors.

The presenting officer for the National College was Mr Christopher Geering of Counsel.

Mr Merry 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 4 January 2016.

It was alleged that Mr Merry was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Hedingham School and Sixth Form Academy between 3 September 2007 and 25 November 2014:

1. He exchanged emails with Pupil A, using her personal email account;
2. The emails referred to at 1. above contained:
 - a. Personal information,
 - b. Flirtatious references,
 - c. Sexual references and/or sexual innuendos
3. During his communications at 1. above, he failed to take appropriate action in relation to:
 - a. Pupil A's developing feelings for him,
 - b. Safeguarding Pupil A's personal welfare when she made reference to "[I] cry all the time" and/or "kill me now" and/or "if you could make my heart stop hurting...I don't know how but you could try",
4. His actions set out at 1 and / or 2 and / or 3 above were:
 - a. In breach of his professional boundaries,
 - b. Exposed Pupil A to risk of harm,
 - c. Sexually motivated.

In Mr Merry's absence, it was taken that these allegations were denied.

C. Preliminary applications

The Presenting Officer put forward an application for the hearing to proceed in the absence of the teacher. Having received legal advice from its advisor, the panel read the following decision:

1. The panel has considered whether this hearing should continue in the absence of the teacher.
2. The panel is satisfied that the National College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations"). Indeed, the College has gone beyond this requirement and made numerous attempts to communicate with Mr Merry via various methods as evidenced in the additional bundle provided at Appendix A.

3. The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Procedures.
4. The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.
5. The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a constrained one.
6. In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.
 - 6.1. The panel is satisfied that proper notice was given to the teacher in accordance with the rules.
 - 6.2. The panel considers that the teacher's absence appears to have been voluntary. Mr Merry appears to have provided an email address and a telephone number to the National College which have been used by the presenting officer's instructing solicitors. He has responded to communications from the National College and so appears to have known about the proceedings. For example, in an email dated 31 March 2016 he has stated that he is 'happy to abide by the decision made by the panel without the need for a hearing'. In response to this the presenting officer's instructing solicitors clarified that as he had not admitted all the allegations, the matter would need to go to the public hearing.
 - 6.3. The panel considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.
 - 6.4. The panel is doubtful that an adjournment would significantly increase the chances of the teacher attending. Adjourning the hearing will also cause disruption including to the witness who is in attendance today, as well as resulting in a significant delay and administrative cost
7. The panel has had regard to the requirement that it be only in limited circumstances that a decision should be taken in favour of the hearing taking place.
8. The panel has had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him.
 - 8.1. The panel has the benefit of the teacher's representations to the school disciplinary process.

- 8.2. The panel has noted that the deputy head is being called to give evidence. The panel can test that evidence in questioning that witness, considering such points as are favourable to the teacher, as are reasonably available on the evidence.
 - 8.3. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the Presenting Officer has discharged the burden of proof.
 - 8.4. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.
9. The panel also notes that there is a witness present at the hearing, who is prepared to give evidence, and that it would be inconvenient for them to return again.
 10. The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witness; that on balance, these are serious allegations and the public interest is in favour of this hearing continuing today.

D. Summary of evidence

Documents

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

Section 1: Chronology and Anonymised List	pages 2 to 4
Section 2: Notice of Proceedings and Response	pages 6 to 14
Section 3: NCTL witness statements	pages 16 to 19
Section 4: NCTL documents	pages 21 to 155
Section 5: Teacher Documents	none

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

At the start of the hearing the panel accepted an additional bundle of correspondence provided by the presenting officer illustrating the National College's attempts to contact Mr Merry. This was added as Appendix A pages 1 to 33.

Witnesses

The panel heard oral evidence for the NCTL from Witness A, the deputy headteacher at Hedingham School.

Mr Merry was not in attendance and no witnesses appeared for him.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Merry was employed as a teacher at Hedingham School and Sixth Form Academy between 3 September 2007 and 25 November 2014. It was alleged that, during this time, he exchanged emails with a pupil ('Pupil A') using her personal email account, containing personal information, flirtatious references and sexual references or innuendos. It was alleged that he had failed to take appropriate action in relation to Pupil A's developing feelings for him, or safeguarding her welfare in response to certain comments she made. It was alleged that these actions were in breach of his professional boundaries, exposed Pupil A to risk of harm and were sexually motivated.

Findings of fact

Our findings of fact are as follows:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst working as a teacher at Hedingham Sixth Form Academy between 3 September 2007 and 25 November 2014:

1. You exchanged emails with Pupil A, using her personal email account;

The panel were referred to emails from page 30 of the bundle from which it is clear that Mr Merry was communicating with Pupil A using her personal email address between at least 4 October 2013 and 16 January 2014.

This allegation is therefore found proved.

2. The emails referred to at 1. above contained:

- a. Personal information,**
- b. Flirtatious references,**
- c. Sexual references and/or sexual innuendos;**

Dealing first with limb a., the panel considers that the whole tenor of the emails from page 30 of the bundle is personal in nature. Examples include references to Pupil A's birthday and that of Mr Merry (page 31); references to Mr Merry's children (page 39); references to both of their trips/holidays (page 34) and references to the fact that she was drinking (page 35).

Allegation 2a is therefore found to have been proved.

As regards limbs b. and c., Mr Merry appeared to have accepted that the emails contained sexual innuendos, as evidenced by his comments during the school disciplinary process, recorded at page 61. Nevertheless, the panel turned its independent mind to the issue.

The panel considered that there were a number of emails which, considered in their context, were flirtatious and contained sexual references and sexual innuendos. These included references to his making 'her heart stop hurting' (page 36), references to sharing body heat (page 34), a reference to Pupil A's 'behind' (page 33-34) including a suggestion that he would have to 'try not to stare next time you walk away'. There was also a reference to the fact that he would 'try anything once' (page 36) in a context which was clearly flirtatious; and references to the windows steaming up (page 38). Other comments included a reference to the need to avoid being a '40 year old virgin' and 'steps to avoid' such an outcome (page 40). The panel also noted references, in the context of a breakup of Pupil A's relationship with a boyfriend, to Mr Merry being 'always here, whenever needed, however needed' (page 36). In response to an email suggesting 'maybe just a hug' he wrote 'you're seeing me at 8.50 this morning right? Maybe we'll start there' (page 36).

The panel consider that these emails contained flirtatious content, sexual references and sexual innuendo. Allegation 2 is therefore found to have been proven in its entirety.

3. During your communications at 1. above, you failed to take appropriate action in relation to:

a. Pupil A's developing feelings for you,

b. Safeguarding Pupil A's personal welfare when she made reference to "[I] cry all the time" and/or "kill me now" and/or "if you could make my heart stop hurting.... I don't know how but you could try";

The panel considered first whether the evidence had demonstrated that Pupil A had as a matter of fact developed feelings for Mr Merry. The panel concluded that this was the case. In reaching this conclusion the panel had regard to the fact that pupil A signed off emails with a kiss (page 39); that, in responding to a reference to 'hugs and kisses', she replies 'rather them in real life' (page 39); and also to her reference on page 36 'if you could make my heart stop hurting'.

Mr Merry himself appears to have acknowledged, in retrospect, that Pupil A had feelings for him. In a record of the school meeting at page 66, when asked 'do you think she thought this could be real', (regarding references to hugs and kisses) he stated 'I honestly think that now'. He later stated 'my belief is that she thought I would be there for her'.... and 'she thought I was offering to be the one'.

The panel is satisfied that Mr Merry failed to take appropriate actions in response to this situation. The minutes of the school's meeting at page 60 record Mr Merry himself accepting 'I wish I had talked to [the school's child protection officer] I cannot believe I did not do this'.

The panel notes the statement at Appendix A on p133 that 'where an adult becomes aware that a child or young person is developing an infatuation they should discuss this at the earliest opportunity with a headteacher, senior manager or parent/carer so that appropriate action can be taken to avoid any hurt, distress or embarrassment'.

The same document states at page 132 that 'adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential'.

Further, page 133 states that 'adults should be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming'.

The code of conduct at page 108 also states 'adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions'.

These expectations were not complied with and appropriate action was not taken. Allegation 3a is therefore found to have been proved.

The panel also considers that Mr Merry failed to take appropriate action in safeguarding Pupil A's welfare in response to the comments she made as referred to in allegation 3b.

The panel considers that the appropriate action in response to these comments was, at the very least, for Mr Merry to seek advice and/or to pass details of the comments to the child protection officer. He appears to have acknowledged this in his comment at page 60 (referred to above) and this is also consistent with Appendix A of the code of conduct (page 131) which states that 'individuals are expected to seek advice wherever possible prior to acting... to secure the best interests and welfare of the children'.

Appendix A at page 135 also indicates that teachers with particular concerns about the need to provide care to a child in distress should report and discuss these with senior managers and parents/carers.

The panel considers that such actions were clearly appropriate in this case, but Mr Merry failed to undertake such steps.

The entirety of allegation 3 is therefore found to have been proved.

4. Your actions set out at 1 and/or 2 and/or 3 above were:

- a. In breach of your professional boundaries,**
- b. Exposed Pupil A to risk of harm**
- c. Sexually motivated.**

In relation to allegation 4a, the panel repeats the various policy breaches already described in the context of allegation 3. The panel finds that the failure to take appropriate action and the use of emails for discussions with a pupil of a personal, flirtatious and sexual nature was a clear breach of Mr Merry's professional boundaries.

Allegation 4a is therefore found to have been proved.

Having considered allegation 4b carefully, the panel is satisfied that Mr Merry's actions exposed Pupil A to the risk of harm both a) in that they led, or risked leading her to believe that there was a possibility of relationship, thereby increasing the risk that she would be exposed to further inappropriate behaviour by Mr Merry, and b) in that, by failing to report and appropriately escalate matters in accordance with policies, the school was not made aware of the full picture and support systems which might have prevented an escalation of risk were not triggered. The risks presented were compounded by the fact that Pupil A was, on the account given by Witness A in oral evidence, in a state of severe emotional upheaval.

Mr Merry himself appears to have acknowledged that there was cause for concern in stating candidly during the school disciplinary hearing (page 62) 'I did not think she was indicating alarm bells...I should have been more worried far earlier'.

The panel is satisfied that allegation 4b is proved.

Given the gravity of the charge, the panel took particular care in assessing whether allegation 4c had been found proved. Addressing the objective aspect first, having considered the evidence before it in the round, the panel considered that a reasonable person would regard Mr Merry's behaviour as having been sexually motivated: the content, innuendo, frequency and number of communications all point to that conclusion.

The panel has also considered whether Mr Merry was, subjectively speaking, sexually motivated. The panel notes Mr Merry's explanation was that he was seeking to boost Pupil A's self confidence. However, the panel did not accept this explanation. It was clear from the responses that Pupil A took the messages in a romantic sense, and the panel considers that this reflected the purpose behind them. The panel had regard to Mr Merry's response, when it was suggested in the course of the school disciplinary hearing that his comments included sexual innuendos (page 62). He replied 'yes'. Considering the evidence in the round, taking into account the significant volume and consistency of sexual references in the emails, the fact that they continued over a period of time, and the fact that Mr Merry appears to have made no, or no strenuous effort, to change the tone of discussion or bring an end to the exchanges, the panel considers on the balance of probabilities that Mr Merry's actions were sexually motivated.

Allegation 4c is found to have been proved.

Each and every aspect of allegations 1 to 4 are therefore found proven in their entirety.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations 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 Merry in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Merry 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...

The panel is satisfied that the conduct of Mr Merry fell significantly short of the standards expected of the profession. Mr Merry was Pupil A's teacher and had a responsibility to protect her. Mr Merry's actions represented a foolish abuse of his position of trust as a teacher. The language, tone and content of the emails fell irresponsibly short of the professionalism expected of a teacher and resulted in Pupil A, who was already in a vulnerable state, being placed at risk of further harm.

The panel has also considered whether Mr Merry's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that the teacher 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. Mr Merry's actions risked undermining the trust placed in teachers to maintain and protect the welfare of pupils. The panel therefore finds that Mr Merry's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of each allegation proved, we further find that Mr Merry'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 protection of other members of the public, 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 Merry, which involved the inappropriate exchange of personal emails with a vulnerable pupil in his care containing flirtatious content and sexual references and innuendo, there is a strong public interest consideration in ensuring pupils are adequately protected and that the public can have confidence that they are safe in the care of the teaching profession.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Merry was 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 Merry 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 Merry.

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 Merry. 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 (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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.

Whilst the panel accepts that the teacher had a good previous record, there is no suggestion that the teacher's actions were not deliberate or that the teacher was acting under duress.

The panel notes that when confronted with the emails during the course of the school's disciplinary process, Mr Merry accepted that they were inappropriate and contained sexual innuendo. In a statement recorded at page 59 of the bundle, he stated "I express my deepest apologies for what I have done and my regret for the upset and upheaval I have caused". He went on to state "as I said at the investigation hearing, I have no excuse for the emails I sent as I know them to be inappropriate and, having read them back, realise just how far over the mark I stepped. The reasoning behind sending them, to support her self worth through a time of severe emotional upheaval, is neither an excuse nor, having seen the damage caused, justified". He also stated "I would like to emphasise this will not happen again". He acknowledged that the school had not failed him and this was his responsibility.

Whilst the panel notes these comments, the panel also notes that Mr Merry was an experienced teacher, and had not only received safeguarding training, but was (on the evidence of Witness A) part of the team responsible for e-safety training for both staff and pupils. He had a trusted position as sixth form tutor with pastoral responsibilities for tutees. The panel also notes that the concerns regarding the emails were brought to light not by Mr Merry himself, but by other pupils who were concerned about Pupil A's wellbeing.

Having weighed all these matters in the balance, 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 Merry. The panel did not consider that a mere declaration that the behaviour amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute would sufficiently address the seriousness of the conduct in this case. The panel was mindful of the facts of the case, which involved inappropriate communications with a vulnerable pupil in clear breach of the school's policies. The seriousness of his behaviour was compounded by the fact that Mr Merry had not only attended regular training on safeguarding but was also an integral part of staff and student training on e-safety. In these circumstances, the panel considers that there may be a continuing risk and that the safety of pupils and the public necessitates a prohibition order.

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 it to recommend that a review period of the order should be considered. The panel were mindful that the Advice suggests 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. The panel notes that these behaviours include serious sexual misconduct, defined as conduct where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. Having considered this carefully, the panel concludes that, whilst there was sexual motivation in this case, it fell towards the lower end of the spectrum of sexual misconduct and in the panel's view did not amount to 'serious' sexual misconduct. It never went beyond the level of innuendo and passing sexual references, and there was no evidence presented to the panel to suggest that a broader relationship developed beyond the emails.

In view of the above, and taking into account that some remorse has been shown by Mr Merry in the school disciplinary process, the panel felt 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.

The panel would expect that Mr Merry should be able to demonstrate at any review hearing that he had acquired insight and understanding of his actions, an appreciation of the expectations on teachers as regards safeguarding and an ability to recognise and follow internal reporting processes and policies. Taking this into account, the panel considers that the appropriate period of prohibition prior to any review would be three years.

Decision and reasons on behalf of the Secretary of State

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

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

The panel is satisfied that the conduct of Mr Merry in relation to the facts found proven, involved breaches of the Teachers' Standards.

I have considered the public interest considerations. There are a number of relevant public interest considerations in this case, namely: the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Merry, which involved the inappropriate exchange of personal emails with a vulnerable pupil in his care, containing flirtatious content and sexual references and innuendo, there is a strong public interest consideration.

I have taken into account the need to balance the public interest with the interests of the teacher. The panel found there is no suggestion that Mr Merry's actions were not deliberate or that the teacher was acting under duress.

The panel has decided that the public interest considerations outweigh the interests of Mr Merry. The panel is of the view that prohibition is both proportionate and appropriate. I note the panel found that the seriousness of the behaviour was compounded by the fact that Mr Merry had not only attended regular training on safeguarding, but was also an integral part of staff and student e-safety.

For the reasons set out above, I agree with the panel's view that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. I have noted that the panel concluded that whilst there was sexual motivation in this case, it fell towards the lower end of the spectrum of sexual misconduct and in the panel's view did not amount to 'serious' sexual misconduct. I note the panel found that the misconduct never went beyond the level of innuendo and passing sexual references.

Taking into account that some remorse has been shown by Mr Merry, I agree with the panel's view that a review period would be appropriate.

I note the panel expect that Mr Merry should be able to demonstrate at any review hearing that he had acquired insight and understanding of his actions, the expectations on teachers regarding safeguarding and to recognise and follow internal reporting processes and policies.

I agree with the panel's view that an appropriate period of any review would be three years.

This means that Mr Edward Merry is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 5 May 2019, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet

to consider whether the prohibition order should be set aside. Without a successful application, Mr Merry remains prohibited from teaching indefinitely.

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

Mr Merry 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 be 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 26 April 2016

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