



National College for
Teaching & Leadership

Mr Joseph O'Malley: 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:	Mr Joseph O'Malley
Teacher ref number:	0843293
Teacher date of birth:	18 February 1986
NCTL case reference:	10492
Date of determination:	6 April 2016
Former employer:	Our Lady of Lourdes Roman Catholic Primary School, Birmingham

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 4 to 6 April 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Joseph O'Malley.

The panel members were Mr Steve Oliver (teacher panellist – in the chair), Mrs Gill Goodswen (teacher panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Tom Day of counsel, instructed by Nabarro LLP solicitors.

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

The hearing was recorded and took place in public, (save that the video recordings of the police interviews of Pupils A, B, C, D and E were played in private).

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 26 August 2015.

It was alleged that Mr Joseph O'Malley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a teacher at Our Lady of Lourdes Catholic Primary School, Birmingham ("the School") between September 2009 and February 2013:

1. In relation to Pupil A, he failed to maintain proper professional boundaries in that he:
 - a. In / around February 2012 and/or at a different time during a school lesson, on one or more occasions inappropriately:
 - i. put his hand down the back of his waist band;
 - ii. touched him on his back and/or bottom;
 - b. Inappropriately tucked his shirt into his underwear on one or more occasions.
2. In relation to Pupil B he failed to maintain proper professional boundaries in that he:
 - a. In around November 2012 or on a date unknown, inappropriately touched the top of his leg, whilst alone in the school toilets;
 - b. On an occasion when Pupil B sustained an injury to his groin, during a tag rugby game in afterschool club failed to:
 - i. inform Pupil B's parents;
 - ii. make a record of Pupil B's injury.
3. In relation to Pupil C (when in Year 4), he failed to maintain proper professional boundaries in that he inappropriately touched him on his back and /or bottom over his clothing, on one or more occasions.
4. In relation to Pupil D (when in Year 3), he failed to maintain proper professional boundaries in that he inappropriately touched him on his back and /or bottom over his clothing, on one occasion.
5. In relation to Pupil E (when in Year 5), he failed to maintain proper professional boundaries in that he inappropriately touched him on his back and /or bottom over his clothing, on one or more occasions.
6. Your conduct in relation to Pupils A, B, C, D and/or E set out above was an abuse of your position of trust.

7. Your actions set out at 1, 2a, 3, 4 and 5 above, were sexually motivated.

The alleged facts were not admitted.

C. Preliminary applications

Application to proceed in absence

Mr Day made an application to proceed with the hearing in the absence of Mr O'Malley. After hearing submissions from Mr Day and receiving legal advice, the chair announced the decision of the panel as follows:

'The panel is satisfied that the Notice of Proceedings was sent to Mr O'Malley in accordance with rule 4.11 of the Teacher Misconduct: Disciplinary Procedures of the Teaching Profession. The panel notes that on 11 January 2016 Mr O'Malley emailed Nabarro solicitors to provide details of his new address, email address and mobile telephone number. The Notice of Proceedings and all other documents previously sent to Mr O'Malley were then sent to him by email on 12 January 2016. On the same day, Mr O'Malley responded by email requesting that hard copies of the documents be sent to him at his new address. The panel notes that further letters were sent to Mr O'Malley on 18 January, 22 February and 11 March 2016, but no further communication has been received from Mr O'Malley.

The panel is satisfied that it is appropriate to proceed with the hearing in the absence of Mr O'Malley for the following reasons:

- The panel is satisfied that Mr O'Malley is aware of the proceedings and the date of hearing. In the absence of any communication from him, the panel concludes that he has voluntarily waived his right to attend.
- No application for an adjournment has been made and no purpose would be served by an adjournment.
- It is in the interests of the public, the witnesses and the teacher to proceed with the hearing today.

Application to amend allegation

Mr Day made an application to amend allegation 5. After hearing submissions from Mr Day and receiving legal advice, the chair announced the decision of the panel as follows:

'The panel has considered an application by the presenting officer to amend allegation 5 to substitute 'Year 4' for 'Year 5'. The panel is satisfied that the amendment is in the interests of justice and causes no prejudice to Mr O'Malley. The amendment merely corrects a factual inaccuracy, rather than change the substance of the allegation'

Special arrangements

Directions had previously been given at a case management hearing that Pupil A and B be permitted to give evidence from a different room via video-link (with Mr O'Malley being obscured from their view). In the absence of Mr O'Malley, Pupils A and B gave evidence without the use of a video link. Pupil A and Pupil B gave evidence in public, but in order to preserve the anonymity of all pupils, the panel determined that the public should be excluded when the video recordings of the police interviews of Pupils A, B, C, D and E were played.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 12

Section 3: NCTL witness statements – pages 13 to 21

Section 4: NCTL documents – pages 22 to 216

In addition, the panel agreed to accept a bundle of documents relating to the service of the proceedings and communication with Mr O'Malley. This was added to the bundle as Section 5 – pages 217 to 277.

The panel members confirmed that they had read all of the documents in section 1 to 4 of the bundle in advance of the hearing. The panel read the documents in section 5 before deciding to proceed with the hearing in the absence of Mr O'Malley.

Witnesses

The panel heard oral evidence from:

Witness A

Pupil A, a former pupil at the school

Pupil B, a former pupil at the school

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in sections 1 to 4 of the bundle in advance of the hearing.

Mr Joseph O'Malley was employed at the school from September 2009 as a primary school teacher. He had his own class of pupils. There were approximately 30 pupils in his class. Mr O'Malley also managed an after-school club, which included tag rugby. On 25 February 2013 the parents of Pupils A and B informed witness A that Pupils A and B had reported to them that Mr O'Malley had touched them inappropriately. This was then reported to the Local Authority Designated Officer (the 'LADO') and then to the police. Mr O'Malley was suspended from his teaching role. Following a police investigation, Mr O'Malley was charged with offences under the Sexual Offences Act 2003. Following hearings in the Crown Court, Mr O'Malley was found not guilty in relation to all charges.

Findings of fact

Our findings of fact are as follows:

Whilst employed as a teacher at Our Lady of Lourdes Catholic Primary School, Birmingham ("the School") between September 2009 and February 2013:

1. In relation to Pupil A, you failed to maintain proper professional boundaries in that you:

a. In around February 2012 and/or at a different time during a school lesson, on one or more occasions inappropriately:

i) put your hand down the back of his waist band;

ii) touched him on his back and/or bottom.

The panel heard oral evidence from Pupil A who is now 12 years old. The panel found that Pupil A was a credible witness. Pupil A described three incidents which he said occurred in the classroom when Mr O'Malley put his hand down the back of the waist band of Pupil A's trousers. Pupil A said that on each of these occasions, Mr O'Malley's hand was flat and he spread out his fingers as he placed his hand on Pupil A's bottom. He said that on each of these three occasions, Mr O'Malley's hand was inside of Pupil A's underpants and on his bottom. On the first two occasions he said Mr O'Malley's hand was in that position for about 10 to 15 seconds and on the third occasion about four to five seconds. In describing these incidents, Pupil A was able to provide relevant details, including the particular lesson, where he was sitting and the pupil next to him. Pupil A also referred to 'countless' times when he said that Mr O'Malley had placed his hand on

his bottom over his clothes. Pupil A said that he did not report these incidents immediately. He said that he revealed what had happened in a conversation with his grandmother and this is how his mother became aware of the incidents. When his parents were informed, a complaint was made to Witness A in February 2013.

The panel considered Mr O'Malley's responses during his interviews by the police and noted that the allegations were emphatically denied by him. The panel also took into consideration the evidence from Witness A that Mr O'Malley was a good teacher and no previous complaints had been made against him. The panel also considered the fact Pupil A said that these incidents occurred when he was sitting in the classroom where it would have been easy for other people in the classroom to see him. In this context the panel heard evidence that it was likely that another adult would have been in the room at the material times. No evidence has been presented that any of these alleged incidents were observed by an adult. However, the panel also heard evidence that it was a noisy and active classroom and that any other adult in the classroom might have been busy assisting other pupils. Furthermore, the evidence of Pupil A was that these incidents were of very short duration. Taking all of these matters into account, the panel did not consider that the absence of any report by an adult member of staff justified the panel rejecting the pupil's very clear account of the incidents.

The panel is satisfied that it is more likely than not that Mr O'Malley placed his hand down the back of the pupil's waist band on three occasions and that, on these occasions, he touched the pupil's back and bottom. The panel is also satisfied that, on other occasions, Mr O'Malley touched the pupil on his back and bottom with his hand on top of the pupil's clothes. These actions represent failures to maintain proper professional boundaries.

Accordingly, the panel finds the facts of 1a(i) and (ii) proved.

b. Inappropriately tucked his shirt into his underwear on one or more occasions:

Pupil A said in his evidence that, on occasions when his shirt became untucked from his trousers, Mr O'Malley tucked the pupil's shirt into his trousers by pushing it in with his hand underneath the pupil's pants. The panel also noted the evidence of Witness A that she spoke to Mr O'Malley on 25 February 2013, after it had been reported to her that Mr O'Malley had tucked in the pupil's shirt. Witness A's evidence was that Mr O'Malley admitted that he had tucked in the pupil's shirt as the pupil was always leaving it hanging out and that he (Mr O'Malley) said that he had got fed up of telling Pupil A to tuck his shirt in. The panel acknowledged that it was not clear that Mr O'Malley was admitting that he had tucked the shirt into the pupil's underwear. However, the panel regarded Pupil A as a credible witness and is satisfied by his account of events that it is more likely than not that Mr O'Malley tucked the shirt into the pupil's underwear. The panel is satisfied that this was inappropriate and represented a failure to maintain appropriate professional boundaries.

The panel finds 1b proved.

2. In relation to Pupil B you failed to maintain proper professional boundaries in that you:

a. In around November 2012 or on a date unknown, inappropriately touched the top of his leg, whilst alone in the school toilets.

The panel heard oral evidence from Pupil B who is now 13 years old. The panel found Pupil B to be a credible witness. Pupil B referred to an occasion when he hurt himself after falling over when he was playing tag rugby. He said he was in "excruciating" pain from an area in the region of his groin. Pupil B said that Mr O'Malley told him that when the lesson was over he would go with Pupil B to the toilet to have a look at the site of the pain. Pupil B said that he did go to the toilet with Mr O'Malley alone and that he (Pupil B) pulled down his shorts and pants so that he was not wearing anything on his bottom half. When in that position, Pupil B said that Mr O'Malley touched the top of his leg at the back in the region of the Pupil's bottom and also touched both cheeks of Pupil B's bottom.

The panel is satisfied by the evidence of Pupil B, that it was only as a result of him sustaining an injury in tag rugby that Mr O'Malley went to the toilets with Pupil B. No evidence was presented that there was any planning on the part of Mr O'Malley. The panel proceeded on the basis that Mr O'Malley went to the toilet for a legitimate reason and that the circumstances in which any inappropriate touching took place were opportunistic. Nevertheless, on the basis of Pupil B's evidence, which the panel was able to test by questioning, the panel is satisfied that it is more likely than not that the incident occurred as described by Pupil B.

Accordingly, the panel finds the facts of 2a proved.

b. On an occasion when Pupil B sustained an injury to his groin, during a tag rugby game in afterschool club failed to:

i) Inform Pupil B's parents,

When interviewed, Mr O'Malley said that he did inform Pupil B's parents of the injury. No evidence has been presented that he did not do so. Accordingly, allegation 2b(i) is not proved.

ii) Make a record of Pupil B's injury,

Witness A gave evidence that there was no requirement for Mr O'Malley to have made a record unless a pupil had been taken to hospital, which was not the case with Pupil B. Instead the school's policy was the matter should have been reported to the parent collecting the pupil. On that basis, it cannot be established that the absence of a record represented a failure on Mr O'Malley's part. Accordingly, allegation 2b(ii) is not proved.

3. In relation to Pupil C (when in Year 4), you failed to maintain proper professional boundaries in that you inappropriately touched him on his back and /or bottom over his clothing, on one or more occasions.

The panel has been provided with the transcript of Pupil C's interview by the police. The panel has also viewed the video recording of this interview. The panel did not hear any direct evidence from Pupil C. In considering the weight to be attached to this hearsay evidence, the panel took into account its inability to test his evidence by questioning. There were a number of questions that the panel would have liked to have asked if that opportunity had been available concerning Pupil C's expression of dislike for Mr O'Malley and the extent of any parental influence in his account of events. The evidence presented did not, in the panel's view, establish that Pupil C's account of events was false. However, in the absence of an ability to test the evidence by questioning, the panel concluded that the evidence was not sufficient to prove the alleged facts on the balance of probabilities.

Accordingly, the panel finds the facts of allegation 3 not proved.

4. In relation to Pupil D (when in Year 3), you failed to maintain proper professional boundaries in that you inappropriately touched him on his back and /or bottom over his clothing, on one occasion.

Again the panel has not been provided with any direct evidence from Pupil D and the panel has had to evaluate the transcript of Pupil D's police interview and the video recording of the same without being able to question Pupil D. In his interview, Pupil D described one occasion only when he said that Mr O'Malley had touched him on his back and bottom over his clothing. In assessing the reliability of this account, the panel has taken into account the evidence that Pupil D was very close to Pupil C and heavily influenced by him. Without being able to test either Pupil C's or Pupil D's evidence by questioning, the panel concluded that the evidence was insufficient to prove the allegation on the balance of probabilities.

Accordingly, the panel finds the facts of allegation 4 not proved.

5. In relation to Pupil E (when in Year 5), you failed to maintain proper professional boundaries in that you inappropriately touched him on his back and /or bottom over his clothing, on one or more occasions.

The panel did not hear any direct evidence from Pupil E, but the panel has been provided with the transcript of Pupil E's interview by the police and the video recording of the same. The panel's impression of Pupil E's interview was that he had given a clear and descriptive account of occasions when he said that Mr O'Malley had touched him on his back and bottom over his clothing. The panel also noted that Pupil E had come to the school later than the other pupils concerned and was not in a friendship group with any of them. Having given very careful consideration to this hearsay evidence, the panel was

satisfied that it could attach some weight to Pupil E's account, despite the panel's inability to question Pupil E. The panel is satisfied that it is more likely than not that the incidents referred to by Pupil E occurred as Pupil E described them.

Accordingly, the panel finds the facts of allegation 5 proved.

6. Your conduct in relation to Pupils A, B, C, D and/or E set out above was an abuse of your position of trust.

Mr O'Malley was a teacher at the school at which the pupils attended and in that capacity was in a position of trust in relation to the pupils. The panel is satisfied that Mr O'Malley's conduct in relation to Pupils A, B and E, which has been found proved, was an abuse of that position of trust.

Accordingly, allegation 6 is found proved, limited to Mr O'Malley's conduct in relation to Pupils A, B and E.

7. Your actions set out at 1, 2a, 3, 4 and 5 above, were sexually motivated.

The panel considered whether Mr O'Malley's actions in 1, 2a and 5 were sexually motivated. In doing so, the panel considered whether it was more likely than not that Mr O'Malley's actions were for the purpose of Mr O'Malley achieving or seeking to achieve some form of sexual gratification. There is no evidence of penetration or touching genital areas.

The panel considered the actions in 1, 2a and 5 separately.

As to 1 and 5, the panel was unanimous in concluding that Mr O'Malley's actions were sexually motivated.

As to 2a, the panel concluded, by a majority, that Mr O'Malley's actions were sexually motivated.

Accordingly, allegation 7 is proved on the basis of Mr O'Malley's actions in 1,2a and 5.

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

Having found a number 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 O'Malley in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr O'Malley 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel has also considered whether Mr O'Malley's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of sexual activity is relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Mr O'Malley is guilty of unacceptable professional conduct.

As regards conduct that bring the profession into disrepute, 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 panel therefore finds that Mr O'Malley's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

In light of the panel's findings against Mr O'Malley, which involved inappropriate touching which was found to be sexually motivated, there is a strong public interest consideration in ensuring that pupils are protected from such behaviour. Parents place their trust in teachers to ensure the wellbeing of their children. Mr O'Malley clearly abused this position of trust.

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

The panel considered that a strong public interest in upholding proper standards of conduct in the profession was also present as the conduct found against Mr O'Malley 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 O'Malley.

In carrying out the balancing exercise the panel has considered the public interest both in favour of and against prohibition as well as the interests of Mr O'Malley. 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 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, involving actions that were sexually motivated and of a sexual nature and which exploited the trust derived from his 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.

The panel is satisfied that Mr O'Malley's actions were deliberate

There was no evidence to suggest that Mr O'Malley was acting under duress.

Mr O'Malley did have a previously good history. Indeed, Witness A described him as popular with pupils and parents and an 'inspirational teacher.'

Mr O'Malley did not attend the hearing or offer any evidence or representations in relation to the allegations or any mitigating factors. Accordingly, there is no evidence of insight or expressions of remorse.

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 O'Malley. The strong public interest consideration in ensuring that pupils are protected from such behaviour was a significant factor in forming that opinion. Accordingly, the panel is unanimous in recommending to the Secretary of State that a prohibition order should be imposed with immediate effect. The panel notes that up to this point, Mr O'Malley has been subject of an interim prohibition order.

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 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 proven, would militate against a review period being recommended. Behaviours include serious sexual misconduct. There is no evidence of any form of penetration or touching of genital areas and Mr O'Malley's proven actions can be distinguished from that more serious kind of sexual assault. However, the panel has found that Mr O'Malley's actions were for the purpose of Mr O'Malley achieving or seeking to achieve some form of sexual gratification. The panel has also found that Mr O'Malley's actions were an abuse of his professional position.

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

Decision and reasons on behalf of the Secretary of State

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

I have taken particular care to note those allegations that were found proven and also those allegations that the panel found not proven. I have put from my mind the allegations that the panel found not proven.

This was a case where the facts that were found proven, were 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel found that the teacher's actions that were found proven were deliberate and that he was not acting under duress.

The panel also found, for those facts that were proven, that the teacher's behaviours that are relevant are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the 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, involving actions that were sexually motivated and of a sexual nature and which exploited the trust derived from his professional position;

This case was a serious one and involved actions that were for the purpose of Mr O'Malley achieving or seeking to achieve some form of sexual gratification. The panel has also found that Mr O'Malley's actions were an abuse of his professional position.

I have taken into account the need to be proportionate. I have balanced the public interest with the interests of Mr O'Malley. I have also taken into account the guidance published by the Secretary of State.

Having taken all of that into account, and also taken into account the mitigating factors noted by the panel, I find myself in agreement with the panel. I therefore support the recommendation that Mr O'Malley should be prohibited from teaching.

I have then considered the matter of a review period. I have taken into account the panel's recommendation and the fact that they found that Mr O'Malley's actions were for the purpose of Mr O'Malley achieving or seeking to achieve some form of sexual gratification.

I have taken into account the need to be proportionate. I support the recommendation of the panel that in this case there should be no review period.

This means that Mr Joseph O'Malley 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'Malley 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'Malley 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: 11 April 2016

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