



National College for  
Teaching & Leadership

# **Mr Kris Barnett: Professional conduct panel outcome**

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

**September 2017**

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

**Teacher:** Mr Kris Barnett

**Teacher ref number:** 1756520

**Teacher date of birth:** 7 December 1979

**NCTL case reference:** 15733

**Date of determination:** 27 September 2017

**Former employer:** Lutterworth College, Leicestershire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 25 to 27 September 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Kris Barnett.

The panel members were Mrs Ann Walker (former teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Mr Peter Cooper (teacher panellist).

The legal adviser to the panel was Miss Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Mr Barnett was not present and was not represented.

The hearing took place in public save for when the panel heard evidence relating to sensitive personal information. The hearing was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 28 June 2017.

It was alleged that Mr Barnett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he:

1. Had inappropriate contact with Pupil A by email and/or text, including by:
  - a. Making inappropriate suggestive comments including those set out at (A)(j) – (A) (xix) of the attached Schedule;
  - b. Using inappropriate names including those set out at (B)(i) – (B)(v) of the attached Schedule;
  - c. Making further inappropriate comments including those set out at (C)(i) – (C)(vi) of the attached Schedule,
2. Failed to appropriately report safeguarding information concerning Pupil A and self-harm,
3. Asked Pupil A to delete his conversations with her,
4. Provided one or more pupils with his personal email contact details,
5. His actions as may be found proven at allegation 1.a. and/or 1.b. were sexually motivated,
6. His actions as may be found proven at allegation 3 were dishonest.

The allegations have been taken to have not been admitted.

## C. Preliminary applications

The panel considered an application from the presenting officer that the hearing should proceed in the absence of the teacher.

The panel was satisfied that the NCTL had complied with the service requirements of paragraph 19 a) to c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place in the teacher's absence. There was no indication that an adjournment might result in the teacher attending the hearing.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, in light of the nature of the evidence against him. The panel noted that witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as may be favourable to the teacher, as were reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it and noted that 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. The panel also noted it is 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.

The panel noted that there was a vulnerable witness present at the hearing, who was prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel 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 considered 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 witnesses; that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

The panel considered whether it had jurisdiction to consider the case.

The panel considered evidence that Mr Barnett called the NCTL on 27 February 2017 and stated that he was not a teacher and that he only worked as a cover supervisor at the School. During that conversation, Mr Barnett stated that he was a builder, and that he had never worked or qualified as a teacher, and that he had no intention of working or qualifying as a teacher.

The panel considered that the issue to determine was whether the phrase “is employed or engaged to carry on teaching work” within section 141A of the Education Act 2011 and paragraph 2 of the Regulations), encompassed the situation in this case.

The panel considered that Mr Barnett’s work would fall within this phrase. In particular, the panel considered the evidence that Lutterworth College is a non-selective Secondary School and Sixth Form College (the “School”) with academy status, and this fulfils the definition of a school. The panel went on to consider that Mr Barnett was offered employment as an unqualified teacher of ICT at the School and that he accepted this offer of employment. The panel also considered a number of statements by Mr Barnett, pupils at the School and his colleagues at the School that he was acting as a teacher of ICT. The panel therefore decided on the balance of probabilities that there was sufficient information before it at this time that Mr Barnett was a teacher within the definition of paragraph 2 of the Regulations.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 4

Section 2: Notice of Proceedings and response – pages 6 to 27

Section 3: NCTL witness statements – pages 29 to 168

Section 4: NCTL documents – pages 169 to 207

In addition, the panel added the following documents to the bundle:

Schedule referred to within the allegations – pages 8A to 8B

Additional page relating to the School’s investigation – page 76A

Presenting officer’s submissions on jurisdiction – pages 209 to 212

Letter to teacher enclosing the schedule – page 213

The panel was provided with clearer copies of email correspondence between Pupil A and Mr Barnett. For the purpose of the hearing, the clearer copy of the email chain was referred to as Bundle C.

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

## Witnesses

The panel heard oral evidence from Pupil A, the headteacher of the School and the investigating officer, called by the presenting officer.

## E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Barnett was employed by the School as a casual cover supervisor in February 2015. In April 2015 he accepted the position of an unqualified teacher of ICT. It is alleged that between April 2015 and March 2016, Mr Barnett corresponded with pupils using a personal email address, and that in relation to Pupil A, this correspondence was inappropriate, sexually motivated and that he tried to conceal the correspondence. Additionally, it is alleged that Mr Barnett failed in his safeguarding duties towards Pupil A.

## Findings of fact

Our findings of fact are as follows:

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

- 1. You had inappropriate contact with Pupil A by email and/or text, including by:**
  - a) Making inappropriate suggestive comments including those set out at (A)(i) – (A) (xix) of the attached Schedule;**
  - b) Using inappropriate names including those set out at (B)(i) – (B)(v) of the attached Schedule;**
  - c) Making further inappropriate comments including those set out at (C)(i) – (C)(vi) of the attached Schedule.**

The panel first considered the provenance of the email correspondence and text messages between Pupil A and Mr Barnett. The panel found Pupil A's evidence about the way in which she collated the emails and texts to be credible.

Having ascertained that the emails were from a Gmail email account which purported to be from Mr Barnett, the panel went on to consider whether he had in fact been the individual who had sent the emails to Pupil A. The panel concluded that Mr Barnett did send the emails on the basis of oral evidence from Pupil A that the email correspondence directly correlated to conversations which they had whilst in classes at the School.

In addition to Pupil A's oral evidence, the panel considered evidence from the investigating officer that during the School's investigation it found a record of the undisclosed Gmail account created by Mr Barnett.

Additionally the panel considered documentary evidence that Mr Barnett had emailed students from his work email address, providing them with the Gmail address so that they could contact him out of hours.

On the basis of the above, the panel did not find it credible that anyone else had access to the Gmail account.

The panel then considered the content of the correspondence. The panel found that there were a number of instances where Mr Barnett sent highly inappropriate messages to Pupil A which included suggestive sexual language. The panel found that there were also instances where Mr Barnett referred to Pupil A as "sweetheart", "hun" and "hussy".

The panel considered all of the evidence, and on the balance of probabilities found the facts of allegation 1. proven.

## **2. You failed to appropriately report safeguarding information concerning Pupil A and self-harm;**

The panel heard evidence from Pupil A that Mr Barnett became aware of [redacted] prior to Christmas in 2015. Pupil A confirmed that until she notified Mr Barnett of her safeguarding issue, no one in a position of authority at the School was aware. Pupil A gave evidence that on learning of her safeguarding issue, Mr Barnett asked her to email his personal Gmail account and confirmed that she could contact him any time of day for his support.

The panel also considered evidence of correspondence between Pupil A and Mr Barnett which referred to the safeguarding issue. Pupil A confirmed that this correspondence began prior to Christmas 2015.

[Redacted]

The panel saw evidence from the School's investigation that Pupil B believed that this event occurred prior to Christmas 2015. Pupil A was unable to corroborate this timescale due to the passage of time but confirmed a time delay between the incident and the eventual involvement of the pastoral team at the School.

The panel heard oral evidence from the investigating officer (who was a senior designated safeguarding lead) that he was not aware of this incident, but that it should have been immediately reported as a safeguarding concern. The panel noted that there was evidence that Mr Barnett did not request the safeguarding referral form until 18 January 2016. This was the date of his suspension following the visit from Pupil A and her mother to report their concerns about the correspondence.



Mr Barnett put forward evidence during the School investigation that he had made an oral report to the pastoral team to raise these safeguarding concerns. The panel did not find this evidence credible as the School appeared to have a well-developed safeguarding system, as described in oral evidence by the headteacher and the investigating officer and supported by documentary evidence. The headteacher and investigating officer confirmed that any safeguarding concern should have been raised with the designated safeguarding lead on the same day that it was identified, and in this case there appeared to have been a delay of at least one month.

The panel found that, on the balance of probabilities, Mr Barnett was aware of the safeguarding concern relating to Pupil A and he failed to attempt to report it until there had been a significant delay. The panel therefore found allegation 2. proven.

### **3. You asked Pupil A to delete your conversations with her;**

The panel considered the oral evidence of Pupil A in which she described a conversation with Mr Barnett during which he became concerned that Pupil A's father had access to her phone. During that conversation, Pupil A stated that Mr Barnett asked whether she had deleted the emails between them. The panel found Pupil A's oral evidence to be credible. In reaching this conclusion, the panel noted that Pupil A's demeanour was honest and open. Pupil A did not appear to be motivated by any malice towards Mr Barnett.

The panel considered documentary evidence of correspondence from Mr Barnett to Pupil A in which he stated, "I assume our conversations remain between us and so does my email address." The panel found that this statement supported Pupil A's oral evidence that a conversation had taken place in which Mr Barnett had asked Pupil A to delete the email chain.

The panel found allegation 3. proven on the balance of probabilities.

### **4. You provided one or more pupils with your personal email contact details;**

The panel considered the documentary evidence of emails from Mr Barnett's work email address to a number of pupils in which he provided his personal Gmail address for contact out of hours.

The panel also heard credible oral evidence from Pupil A that Mr Barnett provided his Gmail address to at least one other student of whom she was aware.

Additionally, the panel considered the evidence of a number of emails between Pupil A and Mr Barnett using his personal Gmail account.

On the balance of probabilities, the panel found allegation 4. proven.

## **5. Your actions as may be found proven at allegation 1.a. and/or 1.b. were sexually motivated;**

As with all findings of fact, the panel considered this question applying the balance of probabilities. The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose of such words and actions were sexual.

The panel considered whether, even in the absence of direct evidence, sexual motivation should be inferred from all the circumstances of the case. The panel had in mind the evidence of the teacher's character and considered whether such evidence had any bearing on the teacher's credibility or propensity to have carried out the alleged facts or to the circumstances in which the teacher found himself.

Applying the first part of the test, the panel considered that on the balance of probabilities, a number of comments made by Mr Barnett to Pupil A by email and text could be considered sexual.

The panel therefore went on to consider whether in all of the circumstances of the case, it was more likely than not that his purpose in corresponding with Pupil A in this way was sexual. In considering the circumstances of the case, the panel had regard to a number of factors. In particular, the panel considered the fact that the correspondence took place through a personal email address that Mr Barnett appeared to have constructed for the purpose of covertly communicating with pupils outside of the parameters set by the School. The panel also found it compelling that there was evidence in correspondence with Pupil A that Mr Barnett stated, "I assume our conversations remain between us and so does my email address."

The panel considered that there was evidence of conversations about penetrative sex, and there were a number of flirtatious comments made between Mr Barnett and Pupil A that were highly inappropriate.

The panel also considered the oral evidence of Pupil A that she felt that conversations were more closely aligned to those which might take place between a boyfriend and girlfriend rather than a pupil and teacher.

Pupil A confirmed that there had been no physical contact or attempts to arrange private meetings between herself and Mr Barnett. The panel, however, could not find a credible alternative explanation for Mr Barnett engaging in the conversations, other than that they were sexually motivated. On the balance of probabilities, the panel found allegation 5. proven.

## **6. Your actions as may be found proven at allegation 3 were dishonest.**

The panel considered that where allegations of dishonesty are made, the starting point, as with all findings of fact in these proceedings, was for the panel to ask itself whether it was satisfied on the balance of probabilities that the facts of the allegation or allegations were proven.

In considering the issue of dishonesty, the panel was required to have regard to a two-stage test consisting of objective and subjective limbs that was first set out in the case of *R v Ghosh*. In order to adapt the test for professional discipline proceedings the case of *Kirschner v the GDC* [2015] EWHC 1377 in May 2015 then confirmed the test as:

The tribunal should first determine whether on the balance of probabilities, a defendant acted dishonestly by the standards of ordinary and honest members of that profession.

If it finds that he or she did so, it must go on to determine whether it is more likely than not that the defendant realised that what he or she was doing was, by those standards, dishonest.

The panel considered that only if the answer to both of these questions was, 'yes' could an allegation of dishonesty be established.

The panel considered the oral evidence of Pupil A in which she confirmed Mr Barnett had asked her to delete emails which were sent from his personal email account. The panel found that Pupil A's evidence was credible and reliable. The panel found her evidence to be open, honest and compelling.

The panel also found it compelling that there was evidence in correspondence with Pupil A that Mr Barnett stated, "I assume our conversations remain between us and so does my email address."

The panel went on to consider wider evidence that Mr Barnett had tried to hide his inappropriate contact with Pupil A, particularly in respect of deliberately concealing the relevant personal Gmail address during the School's investigation.

The panel considered all of the evidence and having applied the relevant test, found allegation 6. proven.

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

Having found 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 Barnett in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Barnett 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 respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- 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 Barnett fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Barnett’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.

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.

Having found the facts of particulars 1, 2, 3, 4, 5 and 6 proved, we further find that Mr Barnett’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 a punitive effect.

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

In light of the panel's findings against Mr Barnett, which involved sexual motivation and dishonesty, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

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

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

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

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 Barnett. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- 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.

There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and motivated.

The panel noted that Mr Barnett had not engaged with the process in any capacity except to deny that he was subject to the jurisdiction of the regulator. The panel found this lack of engagement extremely unhelpful. As a result of this lack of engagement, the panel was not provided with any references, either personal or professional, by Mr Barnett.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Barnett. The negative impact of Mr Barnett's actions on Pupil A was a significant factor in forming that opinion. 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 to decide 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel did not find that any of these behaviours were present although it did find that Mr Barnett's actions in corresponding with Pupil A using highly inappropriate, sexual language were very serious. The panel considered the fact that when Mr Barnett became aware of Pupil A's safeguarding issue he used this to initiate the inappropriate contact with Pupil A rather than to report it to the designated safeguarding lead. The panel was particularly concerned about Mr Barnett's cavalier attitude towards the safeguarding procedures in which he was trained by the School.

The panel found that there was no evidence that Mr Barnett showed any insight into his actions and in fact, he continually denied that the allegations were true and deliberately concealed his actions.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without 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 recommendation of the panel in respect of sanction and no review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Barnett should be the subject of a prohibition order, with no review period.

In particular the panel has found that Mr Barnett 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 respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;

- 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 Mr Barnett fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of actions that were sexually motivated and dishonest.

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 or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Barnett, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel observed, “there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.” The panel further found Mr Barnett used Pupil A’s safeguarding issue, “to initiate the inappropriate contact with Pupil A rather than to report it to the designated safeguarding lead.” A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher’s actions to be calculated and motivated. The panel noted that Mr Barnett had not engaged with the process in any capacity except to deny that he was subject to the jurisdiction of the regulator.” The panel has also commented that it, “found that there was no evidence that Mr Barnett showed any insight into his actions..” In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks 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, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Barnett were not treated with the utmost seriousness when regulating the conduct of the profession.” I am



particularly mindful that Mr Barnett's actions were found to be sexually motivated and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Barnett himself.

A prohibition order will clearly prevent Mr Barnett from teaching for as long as it is in place.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said that Mr Barnett, ".. continually denied that the allegations were true and deliberately concealed his actions." The panel's comment and finding has meant that I have also placed considerable weight on the fact that Mr Barnett acted dishonestly.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Barnett 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 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended no review period.

I have considered the panel's comments "The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period."

I have considered whether a prohibition order which allows for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are four factors that in my view

mean that allowing for no review period is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the finding that Mr Barnett's actions were sexually motivated, dishonest, placed safeguarding of a pupil at risk and the lack of either insight or remorse,

I consider therefore that a prohibition order that allows for no review period is required to satisfy the maintenance of public confidence in the profession.

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

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

**Decision maker: Dawn Dandy**

**Date: 03.10.2017**

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