



Teaching
Regulation
Agency

Mr Darren O'Mara: Professional conduct panel outcome

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

January 2021

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

Teacher:	Mr Darren O'Mara
Teacher ref number:	1581592
Teacher date of birth:	6 January 1989
TRA reference:	18475
Date of determination:	29 January 2021
Former employer:	Wootton Upper School, Bedford

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 29 January 2021 by video conference, to consider the case of Mr Darren O'Mara.

The panel members were Mr Paul Hawkins (teacher panellist – in the chair), Ms Fiona McLaren (lay panellist) and Mr Neil Hillman (teacher panellist).

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

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

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

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 21 December 2020.

It was alleged that Mr O'Mara was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Wootton Upper School ('the School'):

1. He engaged in and / or developed an inappropriate relationship with Pupil A, in or around 2018 including by;
 - a. swapping mobile numbers;
 - b. meeting Pupil A outside of school;
 - c. communicating with Pupil A by text messages using words to the effect of:
 - i. '*wow**so precious**never wasting forever **holds you closer, my arms around you holding you tightly**lips still brush...* Xx'
 - ii. '*squeezes your hand**can feel your heartbeat against me**still playing with your hair, stroking your cheek – alternated between the two **wow you're perfect* xx'
 - iii. 'I miss you already xx'
 - iv. '*can feel your heartbeat we are so close**moves slightly so we are facing each other, my eyes caught in a trance by yours, foreheads brush** dances his fingertips across yours**wow* Xx'
 - v. '*shuffles closer**lips still gently brushing yours* :D xx'
 - vi. 'wow, so close* nudges our feet together **moves closer to you to kiss you* xx'
2. His conduct as may be provided at Allegation 1 was notwithstanding that he knew or ought to have known that Pupil A was vulnerable.
3. His behaviour as may be found proven at Allegation 1c above was conduct of a sexual nature and / or was sexually motivated.
4. His conduct as may be found proven at Allegation 1 was contrary to the School's Acceptable use of IT and Communication Policy and / or Code of Conduct.

Mr O'Mara has admitted the facts of the allegations and that they constitute unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Anonymised pupil list – pages 1 to 2
- Section 2: Notice of Referral, response and Notice of Meeting – pages 3 to 10
- Section 3: Statement of Agreed Facts and presenting officer representations – pages 11 to 18
- Section 4: Teaching Regulation Agency documents – pages 19 to 352
- Section 5: Teacher documents – pages 353 to 356

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

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts which was signed by Mr O’Mara on 5 June 2020.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr O’Mara for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public

interest. The panel did not determine that such a direction was necessary or appropriate in this case. The panel noted there are additional messages not referred to specifically within the allegations, and that it was unclear whether those additional messages were to be considered by the panel given the use of the word “including” within the allegation. The panel did not consider it would be fair for it to consider these additional messages, or the extent of them given the right of the teacher to be informed promptly and in detail of the nature of the allegations. The panel considered whether it would be in the interests of justice to adjourn to allow the extent of those messages to be contained within the allegations. However, given that the referral was made on 21 June 2019, the panel considered that it was in the interest of justice for this matter to reach a conclusion, and therefore determined to continue with the meeting but to confine its consideration to only the six messages specifically alleged.

Mr O’Mara was employed as a teacher of mathematics at Wootton Upper School (‘the School’) from 7 September 2015. A safeguarding concern was raised on 23 August 2018. On 4 September 2018, Mr O’Mara was arrested and a police investigation ensued. The police investigation was closed and an internal school investigation commenced. He was dismissed on 16 May 2019 at a disciplinary hearing, which he attended.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as a teacher at Wootton Upper School (‘the School’):

- 1. You engaged in and / or developed an inappropriate relationship with Pupil A, in or around 2018 including by;**
 - a. swapping mobile numbers;**

The Statement of Agreed Facts records that:

- On 4 September 2018, Pupil A’s mother informed the School that she had found an unrecognisable number on Pupil A’s phone and that the person had been attempting to contact Pupil A all day. This number was searched for on the School’s system and belonged to Mr O’Mara;
- Pupil A’s mother confirmed that she was aware of communication with Mr O’Mara but only via his professional e-mail, in respect of the one-to-one tutoring sessions referred to in allegation 1b;
- Mr O’Mara admitted that he swapped numbers with Pupil A on or around 6-7 August 2018. Mr O’Mara states that this came about when Pupil A advised that she was going to Scotland and was worried about using all of her data. Mr O’Mara

suggested communicating through text message rather than e-mail to avoid using her data.

The panel has seen a transcript of an interview for the purpose of the School's disciplinary investigation with the assistant principal. This confirms that Pupil A's mother had informed her that Pupil A's phone records had shown a number had come up repeatedly 'from morning to night' and that this number had been identified as belonging to Mr O'Mara.

The transcript of Mr O'Mara's interview for the School disciplinary investigation records that "[Pupil A] had my number from about 6/7 August, around then. We swapped numbers but I don't remember when. I think... the reason was that [Pupil A] was going to Scotland for a holiday and she was worried about using all her data. I suggested we used texts because that wouldn't use data. We exchanged messages. We didn't speak on the phone".

Based upon the evidence of the assistant principal and Mr O'Mara's admissions the panel found this allegation proven.

b. meeting Pupil A outside of school;

The Statement of Agreed Facts records that:

- On 28 August 2018, the Assistant Principal received an email from the School's data manager, relating to a safeguarding concern. The email advised that on 21 August 2018, the data manager had spotted Mr O'Mara and Pupil A sitting on a 'grassy area' near where Mr O'Mara lived. Mr O'Mara, during this sighting had explained to the data manager that he had bumped into Pupil A in Tesco and was speaking to her as she was concerned about her exams. It was noted by the data manager that Tesco was approximately 30 minutes away. The data manager further reported that she had seen Pupil A, alone, in the same area on two days following this encounter, and that Pupil A's home address was significantly further away.
- Prior to the summer break 2018, Pupil A's mother agreed with Mr O'Mara that he should provide one-to-one maths sessions with Pupil A. It was arranged for this to take place in a coffee shop and Pupil A's mother would buy drinks for Pupil A and Mr O'Mara, returning back in two hours. Mr O'Mara acknowledges that he on one or more occasion during these meetings held hands with Pupil A.
- Mr O'Mara acknowledges that he also met Pupil A in a coffee shop and near his home, on occasions Pupil A's mother did not know about.

The panel has seen a transcript of an interview for the purpose of the School's disciplinary investigation with the School's data manager. This confirms the data manager's sighting of Mr O'Mara with Pupil A as set out in the Statement of Agreed Facts.

The transcript of Mr O'Mara's interview for the School disciplinary investigation confirms he saw the data manager when he was in the company of a student, sitting on a grassy area near where he lived and that he thought "this is awkward...this is not good" as he "shouldn't have been sat there with a student at all". He also stated that it was "more likely to be a yes than a no" that he had seen Pupil A on 23 August, as the data manager had seen Pupil A near where Mr O'Mara was living. He stated that "we would have met up on a number of occasions where we would have just sat and talked.... In terms of anything else, there were times when we would sit and we were holding hands. That was the limit of the physical contact". He also referred to two coffee shops where they would meet.

Based upon the evidence of the School's data manager and Mr O'Mara's admissions the panel found this allegation proven.

c. communicating with Pupil A by text messages using words to the effect of:

- i. '*wow**so precious**never wasting forever **holds you closer, my arms around you holding you tightly**lips still brush...* Xx'**
- ii. '*squeezes your hand**can feel your heartbeat against me**still playing with your hair, stroking your cheek – alternated between the two **wow you're perfect* xx'**
- iii. 'I miss you already xx'**
- iv. *can feel your heartbeat we are so close**moves slightly so we are facing each other, my eyes caught in a trance by yours, foreheads brush** dances his fingertips across yours**wow* Xx'**
- v. '*shuffles closer**lips still gently brushing yours* :D xx'**
- vi. 'wow, so close* nudges our feet together **moves closer to you to kiss you* xx'**

The Statement of Agreed Facts records that due to the concerns raised, the police were contacted and examined Pupil A's phone. On review of the messages, it was found that Pupil A and Mr O'Mara had been exchanging text messages.

Mr O'Mara accepts that he engaged in text communication with Pupil A on one or more occasions including texts using the words as set out in allegation 1c and as set out in Exhibit DO1 of the Statement of Agreed Facts.

There is no Exhibit DO1 appended to the Statement of Agreed Facts contained with the panel bundle, but there is an Exhibit DO1 attached as Appendix 11 to the School's investigation report. This provides examples of the messages Mr O'Mara sent to Pupil A, and contains the examples referred to in the allegation.

Based upon the record of the messages sent by Mr O'Mara to Pupil A which contained the messages specifically alleged and Mr O'Mara's admissions the panel found this allegation proven.

With regard to the allegation that Mr O'Mara engaged in and/or developed an inappropriate relationship with Pupil A, in or around 2018 including by the matters set out at allegations 1a, 1b and 1c above, Mr O'Mara has admitted this allegation.

The panel considered that swapping mobile phone numbers with Pupil A, meeting her outside school and sending the messages described at allegation 1c evidenced that Mr O'Mara had failed to maintain appropriate boundaries with Pupil A and that he had thereby developed an inappropriate relationship with her. The panel therefore found allegation 1 proven in its entirety.

2. Your conduct as may be proved at Allegation 1 was notwithstanding that you knew or ought to have known that Pupil A was vulnerable.

The Statement of Agreed Facts states that:

- On 19 July 2018, Mr O'Mara raised concerns with Pupil A's mother about the wellbeing of Pupil A, that no concerns had been logged on the School's system since 27 March 2018 and that Mr O'Mara offered support over the summer if Pupil A required it;
- Prior to July 2018, a number of teachers, including Mr O'Mara had raised concerns on the School's system relating to Pupil A up until 27 March 2018. [redacted]. As a result she attended [redacted] sessions with Mr O'Mara;
- Mr O'Mara acknowledged that Pupil A had further disclosed that she wanted [redacted] and he had perceived this as Pupil [redacted]. Mr O'Mara stated to the School that "from then on [he] was concerned about [Pupil A's] well-being generally [redacted]".

Mr O'Mara has admitted this allegation.

During Mr O'Mara's interview for the School disciplinary investigation, he stated that Pupil A had indicated to him before the summer break that she was feeling particularly anxious about not being able to talk to him as she had used his support prior to the summer. He stated that she had spoken to him about all manner of things dating back from a number of months before and that he was particularly concerned about her well-being generally. He had mentioned to her before the summer break that if Pupil A wanted to go over some maths to prepare for the new year, he would

be happy to support her with that. He had picked a coffee shop to meet her in to provide tuition because it was a public place, and he wouldn't be in a place with a student by himself.

He stated that he did not, however, make any contact with any other member of staff to make enquiries as to whether he ought to tutor a pupil over the summer. He couldn't explain why this was, but he "was particularly worried about Pupil A generally and so seeing her and sitting and doing some maths would one, allow me to gauge how she was doing personally and two, sitting and doing two hours of maths I would argue... outside of this context is a perfectly productive use of time".

Mr O'Mara confirmed in his interview that he had made a couple of CPOMS entries, with the last in March 2018, including one that Pupil A had made a disclosure [redacted]. He described "From then on, I was very concerned about [Pupil A's] wellbeing generally [redacted]."

Based upon Mr O'Mara's description of the concerns he had regarding Pupil A and the CPOMS entry that Mr O'Mara has admitted making, the panel has found this allegation proven.

3. Your behaviour as may be found proven at Allegation 1c above was conduct of a sexual nature and / or was sexually motivated.

The Statement of Agreed Facts states that:

- Mr O'Mara does not dispute that he engaged in activity, which was patently and plainly of a sexual nature, namely sending text messages to Pupil A describing and/or imagining how he would act with Pupil A if she was with him;
- One or more of the messages at allegation 1c describes sexual and/or physical activity;
- Whilst it is acknowledged that allegation 1c does not allege actual physical touching, Mr O'Mara accepts that within the messages he was describing and/or imagining physical touching with Pupil A;
- Mr O'Mara therefore accepts that he was sexually motivated when he engaged in this conduct at allegation 1c, and that it was done in pursuit of sexual gratification.

In the transcript of Mr O'Mara's interview for the School disciplinary investigation, he stated in respect of the messages between himself and Pupil A that "It sounds like such a lie, but I had no malicious or sexual intention".

The panel considered that reasonable persons would think that the content of the text messages that Mr O'Mara sent to Pupil A was patently of a sexual nature as there could be no other innocent explanation for sending messages in those terms. Furthermore, the surrounding evidence, namely Mr O'Mara not consulting colleagues about meeting with Pupil A; meeting her on occasions that her mother did not know about; providing his

phone number to Pupil A without her mother's knowledge; and the content of the text messages themselves all infer that it was more probable than not that Mr O'Mara's intention in sending the text messages was sexual. The panel therefore found this allegation proven.

4. Your conduct as may be found proven at Allegation 1 was contrary to the School's Acceptable use of IT and Communication Policy and / or Code of Conduct.

The Statement of Agreed Facts states that:

- Mr O'Mara accepts that he was aware of the School's Code of Conduct Policy and Acceptable Use Agreement for Staff Users.
- The Code of Conduct stated that 'college employees are expected to act in an open and transparent way that would not lead any reasonable person to suspect their actions or intent. Employees in colleges are in a position of trust and have a duty to protect young people from discrimination and harm and to maintain professional boundaries'.
- The Acceptable Use Agreement for Staff Users outlines: 'I will make sure all messages I send are respectful, using appropriate language' and 'I will always keep my personal details private and secure (my name, school name and address, home address, contact numbers, family information etc...)'

Mr O'Mara has therefore admitted this allegation.

The panel has seen the School's Code of Conduct which contains the extract referred to above at paragraph 3.2. It goes on to state "It is equally important for staff to avoid behaviour that might be misinterpreted by others in order to protect both young people and themselves. Further at paragraph 3.1 "All employees are expected to treat other colleagues, pupils and external contacts, such as parents, with dignity and respect". The panel considered the School's Code of Conduct to have been breached in that Mr O'Mara failed to maintain professional boundaries with Pupil A. He failed to treat Pupil A's mother with dignity and respect, having breached the trust that Pupil A's mother had placed in him to tutor her daughter, having instead formed an inappropriate relationship with Pupil A, knowing or having reason to believe her to be vulnerable.

The panel has also seen the Acceptable Use Agreement for Staff Users. This contains the two extracts referred to in the Statement of Agreed Facts at points 3 and 4. The panel found these provisions to have been breached by Mr O'Mara sharing his personal contact number with Pupil A and exchanging messages with her of the nature found proven in allegation 1c.

Based upon the content of the School's Code of Conduct and the Acceptable Use Agreement for Staff Users, the conduct that the panel has found proven, and Mr O'Mara's admissions, the panel found this allegation proven.

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

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - o treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - o 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 was satisfied that the conduct of Mr O’Mara fell significantly short of the standards expected of the profession.

The panel also considered whether Mr O’Mara’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel noted that the allegations took place outside the education setting. However, Mr O’Mara’s flouting of the School’s policies and procedures breached the trust placed in him by both the School and parents, and his actions led to safeguarding concerns regarding Pupil A’s welfare.

Accordingly, the panel was satisfied that Mr O’Mara was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can

hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr O'Mara's actions constituted conduct that may bring the profession into disrepute.

Having found all of the facts of particulars proved, the panel further found that Mr O'Mara's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

In the light of the panel's findings against Mr O'Mara, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Pupil A, a pupil who Mr O'Mara knew or ought to have known was vulnerable.

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

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

Any interest in retaining the teacher in the profession, given no doubt has been cast upon his ability as an educator, is outweighed by the adverse public interest considerations in this case, given Mr O'Mara's serious breach of the policies and procedures of the School and the trust placed in him, as a teacher.

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'Mara.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, for example, 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 some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr O'Mara actions were not deliberate.

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

Mr O'Mara did have a previously good history. The panel had seen a reference produced by the School dated 15 January 2016 in respect of Mr O'Mara's training with the School. This rated Mr O'Mara as excellent in respect of all areas, save for the category of 'relationship with parents' which had not at that point been observed for the School to enable the School to comment.

Mr O'Mara has proffered no character statements nor statements of anyone who could attest to his ability as a teacher. However, the panel did consider that Mr O'Mara has recognised his failings and shown genuine remorse.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr O'Mara. His willingness to form an inappropriate relationship with a pupil he knew or ought to have known was vulnerable indicates that prohibition is an appropriate response and reflects the seriousness of his behaviour, despite the remorse he has expressed and his previous good history. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. Although the panel has found that there has been a serious departure from the standards expected of him, the panel considered that Mr O'Mara's conduct was at the less serious end of the possible spectrum with regard to sexual misconduct. There is no allegation of any sexual activity actually taking place. The panel did not therefore classify Mr O'Mara's conduct as "serious sexual misconduct" for which the Advice indicates that a prohibition order be imposed with no provision for him to apply for it to be set aside.

As referred to above, Mr O'Mara has demonstrated both insight and remorse, and this has influenced the panel in recommending that Mr O'Mara should have the opportunity to apply for a prohibition order to be set aside. In the transcript of Mr O'Mara's interview for the School disciplinary investigation, he stated "I'm acutely aware that my actions and behaviour have affected others. Not just [Pupil A] and her family and also my life but also staff I worked with and students in my classes have been detrimentally affected by there being one less body. If you treat teachers as equal, teachers fill rooms and there will be less teachers in those rooms and that is my fault. Students who valued me have been

affected. My overwhelming feeling is that I couldn't have let more people down if I'd tried. Massively sorry. To say it is very pointless in some ways but I'll say it". Mr O'Mara attended the School's disciplinary hearing.

In expressing his preference to have this matter dealt with at a meeting, Mr O'Mara has acknowledged that his actions have been an "incredible distance from the high standards expected". Mr O'Mara has repeated his acknowledgement of the effect his actions has had beyond the scope of just himself and the immediate person/ people involved, but also on the students who lost a mathematics teacher, the colleagues that had to pick up his work and the School that had to deal with the consequences of his actions. Mr O'Mara has expressed guilt, self-deprecation and stated that he is "truly and genuinely so very sorry for what [he] did".

The panel noted however, that Mr O'Mara did not admit that his actions were sexually motivated during the School's investigation.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after four years to reflect upon the severity of his conduct and to understand the reason why he embarked upon an inappropriate relationship, so as not to risk repetition.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Darren O'Mara should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Mr O'Mara 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 finds that the conduct of Mr O'Mara fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of engaging in and/or developing an inappropriate relationship with a vulnerable Pupil, conduct that was found to be sexual in nature and/or sexually motivated.

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel noted "that the allegations took place outside the education setting. However, Mr O'Mara's flouting of the School's policies and procedures breached the trust placed in him by both the School and parents, and his actions led to safeguarding concerns regarding Pupil A's welfare". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "In the transcript of Mr O'Mara's interview for the School disciplinary investigation, he stated "I'm acutely aware that my actions and behaviour have affected others. Not just [Pupil A] and her family and also my life but also staff I worked with and students in my classes have been detrimentally affected by there being one less body. If you treat teachers as equal, teachers fill rooms and there will be less teachers in those rooms and that is my fault. Students who valued me have been affected. My overwhelming feeling is that I couldn't have let more people down if I'd tried. Massively sorry. To say it is very pointless in some ways but I'll say it".

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “In the light of the panel’s findings against Mr O’Mara, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Pupil A, a pupil who Mr O’Mara knew or ought to have known was vulnerable”. I am particularly mindful of the finding that the conduct was of a sexual nature and/or 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 the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr O’Mara himself and the panel comment “Mr O’Mara did have a previously good history. The panel had seen a reference produced by the School dated 15 January 2016 in respect of Mr O’Mara’s training with the School. This rated Mr O’Mara as excellent in respect of all areas, save for the category of ‘relationship with parents’ which had not at that point been observed for the School to enable the School to comment”.

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

In this case, I have placed considerable weight on the panel’s comments concerning “The public interest considerations outweighed the interests of Mr O’Mara. His willingness to form an inappropriate relationship with a pupil he knew or ought to have known was vulnerable indicates that prohibition is an appropriate response and reflects the seriousness of his behaviour, despite the remorse he has expressed and his previous good history. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect”.

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 4 year review period.

I have considered the panel's comments "Mr O'Mara has demonstrated both insight and remorse, and this has influenced the panel in recommending that Mr O'Mara should have the opportunity to apply for a prohibition order to be set aside." The panel has also said that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after four years to reflect upon the severity of his conduct and to understand the reason why he embarked upon an inappropriate relationship, so as not to risk repetition.

I have considered whether a 4 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings in developing an inappropriate relationship with a vulnerable pupil, conduct of a sexual nature and the impact that such a finding could have on the profession.

I have gone on to consider whether a 4 year review is sufficient in this case, although the panel stated a review period of 4 years was recommended for Mr O'Mara to understand and reflect upon his conduct to avoid repetition. There are a number of additional factors that I have given consideration to, including the fact that Mr O'Mara was in a position of trust, the panel reported "He failed to treat Pupil A's mother with dignity and respect, having breached the trust that Pupil A's mother had placed in him to tutor her daughter, having instead formed an inappropriate relationship with Pupil A, knowing or having reason to believe her to be vulnerable". Although there was evidence of insight and remorse, I feel the panel did not give sufficient weight to the trust that was breached in this case.

I consider therefore that a six year review period is required to satisfy the maintenance of public confidence in the profession, after which the teacher may apply for a prohibition order to be set aside.

This means that Mr Darren O'Mara 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 4 February 2027, 6 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 O'Mara remains prohibited from teaching indefinitely.

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

Mr O'Mara 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 2 February 2021

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