



Teaching
Regulation
Agency

Ms Caroline Reilly: Professional conduct panel outcome

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

January 2019

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	7
Documents	7
Witnesses	8
E. Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	17

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

Teacher: Ms Caroline Reilly

Teacher ref number: 8538548

Teacher date of birth: 14 July 1964

TRA reference: 9324

Date of determination: 15 January 2019

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 to 15 January 2019 at Cheylesmore House, Coventry CV1 3BH to consider the case of Ms Caroline Reilly.

The panel members were Mr Ian Carter (teacher/panellist – in the chair), Ms Karen McArthur (lay panellist) and Mr Roger Woods (former teacher panellist).

The legal adviser to the panel was Ms Anna Lois Parry of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Mr Alexis Dite of Kingsley Napley LLP.

Ms Caroline Reilly was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 22 May 2018.

It was alleged that Ms Caroline Reilly was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Failed to disclose her relationship with a convicted sex offender (person A) to her employer despite the advice she received from the Director of Operations and Performance at the National Probation Service dated 17 February 2010.
2. Mislead the investigation by stating she was advised that there was no reason for her to disclose that she had a relationship with a convicted sex offender to her employer;
3. Failed to demonstrate insight into how her relationship with a convicted sex offender may have impacted on her role as head teacher;
4. Her conduct at paragraphs 1 and 2 was dishonest.

The allegations were not admitted.

C. Preliminary applications

Application to proceed in the teacher's absence

The panel considered an application from the presenting officer to proceed in the absence of the teacher.

The panel was satisfied that the TRA 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 understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel took account of the various factors drawn to its attention from

the case of R v Jones [2003] 1 AC1. The teacher was aware of the proceedings. She has engaged with the process and recently contacted the TRA case officer to indicate that she could not attend the hearing and requested an adjournment. She provided no evidence to support her contention that she could not attend the hearing. The TRA requested further information including [Redacted] evidence which Ms Reilly did not supply. The TRA contacted Ms Reilly again and informed her that panel would need to make a decision whether to proceed in her absence and that it would assist the panel if she could provide it with [Redacted] evidence. The TRA also offered to make provisions to facilitate the teacher's participation in the hearing.

The panel had regard to the recent Court of Appeal case of the GMC v Ijaz Hayat. In that case, the professional provided [Redacted] evidence but the tribunal found it was not sufficiently detailed as it did not demonstrate why she could not participate in the hearing. The Court of Appeal found that the Tribunal was right to reach the conclusion to proceed with the hearing in the professional's absence. Whilst stating that she was not refusing to attend the hearing, the panel saw no evidence to support Ms Reilly's request for an adjournment or to persuade it that an adjournment would be in the interest of justice.

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.

The panel also had regard to the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel had the benefit of representations made by the teacher during an investigation by the Council. In addition, she has prepared a detailed witness statement in preparation for these proceedings and most recently in September 2018 had provided a response to each of the allegations in her response to the notice of proceedings. The panel was able to ascertain the lines of defence.

The panel noted that two witnesses were being called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it. It noted that should such gaps arise during the course of the hearing, it 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 was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also noted that two witnesses were present at the hearing, who were prepared to give evidence, and that it would be inconvenient for them to return again.

It also noted that the hearing has previously been adjourned on four separate occasions. It considered that it was in the interest of justice for the hearing to proceed. In light of the

lack of any evidence, the panel was not persuaded that an adjournment would result in the teacher attending at a later date.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher. It accepted that fairness to the teacher is of prime importance. However, by taking such measures referred to above, the panel considered that it could address that unfairness insofar as is possible. The panel took account of the inconvenience an adjournment would cause to the witnesses, the seriousness of the allegation and the public interest, and considered on balance that the hearing should proceed today.

Application to correct allegation 2

The presenting officer made an application to correct allegation 2 insofar as a typographical error appeared in the wording. The first word of the allegation was “mislead” and the presenting officer applied to correct this to “misled”. Under paragraph 4.56 of the Procedures, the panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel did not consider that there was any risk of prejudice being caused to the teacher; the amendment simply corrected a typographical error. It did not alter the nature, scope or seriousness of the allegation.

The panel decided to amend the allegation as requested by the presenting officer.

Application to admit a disputed document as evidence

The panel considered the application made by the presenting officer to adduce into evidence the Supreme Court’s Judgment dated 14 March 2018 which concerned Ms Reilly’s employment case. The panel noted that the teacher would have already had sight of this information. The panel carefully considered the representations of the presenting officer and that of the teacher, in so far as they were referred to by the presenting officer in his application. The panel had regard to the fact that it decided to proceed with the hearing in the teacher’s absence. It exercised caution when considering whether to exercise its discretion (under paragraph 4.26) to waive the notice periods required for the service of documents and whether it would be fair (under paragraph 4.18 of the Procedures) to admit this Judgement into evidence.

To assist it with its decision, and determine the relevance of the Judgement of the Supreme Court, the panel read the Judgement. It noted in particular, that the function of the Supreme Court and the question it was determining was limited; it was deciding whether the Employment Tribunal had been entitled to conclude dismissal was within the range of reasonable responses of her employer. The panel on the other hand has to turn its own mind to the specific facts alleged. The panel did not consider that the Judgement adduces new factual information which is pertinent to the facts of this case. The panel was not persuaded as to its relevance.

In considering the reasonableness of Ms Reilly's belief, the panel would have the opportunity to question the witnesses to understand more about how her disclosure would have aided her role as a head teacher. The panel will take account of Ms Reilly's obligations to safeguard children and will consider how any conduct found proven may have impacted on her duty to safeguard children.

The panel did not consider that the Judgement was relevant to allegation 3. The panel will turn its own independent minds to the allegation that Ms Reilly failed to demonstrate insight into how her relationship with a convicted sex offender may have impacted on her role as a head teacher.

The Supreme Court looked at Ms Reilly's contractual obligations. The panel is considering this case in the wider context of the regulatory framework. It will turn its own mind to the specific facts alleged, decide whether on the balance of probabilities they are proven and then apply its own judgement to decide whether it amounted to unacceptable professional conduct and/ or conduct that may bring the profession into disrepute.

The panel was not persuaded that it was in the interest of justice for it to adduce this document into evidence and decided that it would not exercise its discretion accordingly.

Having had sight of the document, the panel moved on to consider whether it should recuse itself since it has determined that this evidence is inadmissible.

The panel considered the potential prejudicial effect on itself, as an impartial tribunal. The panel applied the test of whether the risk of prejudice was so grave that no direction, could reasonably be expected to remove that prejudice from the mind of the panellists, and whether the teacher's right to a fair hearing was compromised.

The panel's focus over the course of this hearing will be upon whether the evidence heard and admissible documents are sufficient to prove that it is more probable than not that the alleged facts occurred. That focus, combined with the directions to be given by the legal adviser for the panellists to put inadmissible evidence out of their minds will uphold the teacher's right to a fair hearing. This is an experienced and trained panel, well used to putting inadmissible evidence from its minds when reaching its decisions.

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 1 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 10AE

Section 3: Teaching Regulation Agency witness statements – pages 11 to 21

Section 4: Teaching Regulation Agency documents – pages 22 to 346B1 to B31

Section 5: Teacher documents – pages 347 to 565

In addition, the panel agreed to accept the following:

Recent e-mail correspondence between the TRA and the teacher with page references B31a to m, for the purpose of assisting it with the preliminary application to proceed in the teacher's absence.

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

Witnesses

The panel heard oral evidence from the Local Authority Designated Officer at the time of the allegations, witness A. Witness A received the referral in respect of Ms Reilly and scheduled a strategy meeting. The panel also heard oral evidence from witness B who, at the time of the allegations, was employed by the Council and was instructed by the Council to conduct a formal disciplinary investigation.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

On 1 September 2009, Ms Reilly commenced her employment as the head teacher of a primary school in the Sandwell Metropolitan Borough Council ("the School"). In February 2009, person A was arrested on suspicion of making indecent images of children. In early 2010, person A was convicted of making and possessing indecent images of children. Ms Reilly knew person A and it is the TRA's case that Ms Reilly and person A were in a relationship together. Ms Reilly had been present at the time of person A's arrest and was aware of his conviction. Ms Reilly did not disclose the fact of person A's conviction to her employer.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation(s) against you proven, for these reasons:

1. Failed to disclose your relationship with a convicted sex offender to your employer despite the advice you received from the Director of Operations and Performance at the National Probation Service dated 17 February 2010.

In the absence of Ms Reilly being present to give oral evidence at the hearing, the panel carefully considered her written evidence in relation to allegation 1. It considered her evidence to the Council's investigation in November 2010, to the School's Disciplinary Committee and the subsequent appeal in May 2011, her witness statement to these proceedings in March 2013 and, most recently, her response to the notice of proceedings in September 2018.

From the evidence, the panel noted that Ms Reilly has consistently admitted the fact that she failed to disclose her relationship with a convicted sex offender to her employer. She has maintained vigorously her position that she did not need to make such a disclosure to her employer and indeed, in her opinion, to do so would have breached data protection legislation. Similarly, she admits that she received a letter dated 17 February 2010 (following person A's conviction) from the Director of Operation and Performance at the National Probation Service. The letter stated: *"I do believe however if you have not already done so, it would be wise for you to disclose this relationship to the Education Authorities whether by way of discussion with your Chair of Governor or some or other route."*

Ms Reilly disputes that this letter constitutes "advice". The panel had regard to Ms Reilly's response to the notice of proceeding that, *"this was an unsolicited statement made by an employee from the Birmingham Office of the Probation Service. He states that he did not know any relevant facts."* In her statement in response to these proceedings, Ms Reilly stated that the letter, *"lacked clarity and did not make me aware of the dimensions of a decision"*.

The panel considered its interpretation of the letter and carefully examined the wording and the context in which it had been sent. It noted that the probation officer was offering his professional opinion as to what Ms Reilly should do in the particular situation. The panel acknowledged that the author of the letter did not know the full facts and circumstances of the teacher's case. It was clear to the panel, applying the common sense definition of the word "advice", that the Director of Operations and Performance, a senior probation professional, was advising the teacher that it would be wise for her to disclose her relationship with person A to her employer.

Whilst the advice may not have been solicited, that does not invalidate the advice. The advice came from a credible source; a professional person was giving Ms Reilly the benefit of his opinion. She supplanted his professional advice with her own personal opinion and chose to continue with her view that there was no need for her to disclose her relationship with person A to her employer.

In light of the ordinary person's understanding of the word "advice", having looked at the letter and considered the above, it was clear to the panel that Ms Reilly had failed to disclose her relationship with a convicted sex offender (person A) to her employer despite the advice she received from the Director of Operations and Performance at the National Probation Service dated 17 February 2010.

The panel, therefore, found this allegation proven.

2. Misled the investigation by stating you were advised that there was no reason for you to disclose that you had a relationship with a convicted sex offender to your employer;

The panel looked at the evidence available which showed what Ms Reilly told the investigation. It considered her statement to the Council's investigation dated November 2010. She stated that, "*if any of the bodies I have contacted had informed me that it was desirable to inform any potential or actual employer to the matters relating to person A I would have done so immediately. I have not engaged in any concealment process*". She further stated that, "*everybody told me that as I was not under suspicion and had not been arrested then I did not need to disclose anything to anybody*". In her response to the notice of proceedings, Ms Reilly continues to maintain that there was no requirement to make any disclosure and that she was unaware of any "reason" to disclose. This was not the case.

At the time of her investigation, Ms Reilly was in possession of the letter from the National Probation Service dated 17 February 2010 advising her that it would be wise for her to disclose her connection with person A to her employer. The panel considered the documentary evidence which showed that Ms Reilly had asked multiple sources, but notably no one associated with her local authority or employer, whether she had an obligation to disclose her association with person A. Whilst the sources were credible, it is clear from the email chains that she failed to disclose the full circumstances of her situation. This suggested to the panel that Ms Reilly understood that she might need to disclose her relationship to her employer but that she was looking for advice to confirm her view that disclosure was not necessary.

Based on this evidence and given that the letter had been sent to Ms Reilly by the time of the investigation, the panel considered that she misled the investigation by stating that there was no reason for her to disclose that she had a relationship with person A to her employer.

The panel, therefore, found this allegation proven.

3. Failed to demonstrate insight into how your relationship with a convicted sex offender may have impacted on your role as Head Teacher;

The panel had regard to the representations made by Ms Reilly during the investigation and in response to these proceedings. Since the start of the investigation in 2010, she

has consistently denied any wrongdoing and has sought to strenuously defend her actions in not disclosing this information to her employer. This includes her most recent submission to this hearing in response to the notice of proceedings where she states, *“if the person (convicted sex offender) was not involved in the school community, did not live near the school community, did not live near the school or have any connections to the school, it would be impossible for there to be any impact of my role as a head teacher.”* The panel considered this to be clearly demonstrating a lack of insight.

The panel also had the benefit of oral evidence from witness B. Witness B gave evidence that Ms Reilly maintained her position throughout the investigation process that there was no need for her to disclose this information to her employer. Witness B did not consider that Ms Reilly appreciated the gravitas of the situation or fully grasp her role in safeguarding.

The panel saw no evidence to persuade it that Ms Reilly had demonstrated insight into how her relationship with person A may have impacted on her role as a head teacher. To the contrary in fact, the panel noted that there was overwhelming evidence of Ms Reilly seeking to minimise her relationship with person A and how her relationship with him may have impacted on her role as a head teacher.

Having carefully examined the documentary evidence, the panel considered that Ms Reilly must have thought that there was a possibility that her relationship with person A could have impacted her role as head teacher. Upon person A’s arrest, she told the police officer that she was applying for the role of head teacher and queried whether person A’s arrest needed to be disclosed. Thereafter, she went to great efforts to seek advice from a number of individuals and independent organisations as to whether she should disclose her connection with person A.

The panel saw evidence that Ms Reilly had undergone considerable child protection training, as would be expected of a head teacher. However, it saw no evidence that she was alert to the risk whether real or perceived, of her relationship with person A. As the lead professional in the school the flawed nature of her belief that disclosure was not necessary undermined the safeguarding culture of the School and compromised the governing body in fulfilling its responsibilities.

The panel, therefore, found this allegation proven.

4. Your conduct at paragraphs 1 and 2 was dishonest.

The panel received and accepted the legal advice that if it found the facts of allegations 1 and 2 proven on the balance of probabilities, it should first consider the defendant’s state of knowledge and belief as to the facts, and secondly whether that state of mind was dishonest, determining this by applying the standards of the ordinary honest person.

Dealing firstly with allegation 1, the panel considered Ms Reilly’s state of knowledge and belief as to the facts. Based on the evidence available, it considered that Ms Reilly

suspected and was concerned about disclosing her relationship with person A to her employer. She did not want to disclose this fact and sought advice or evidence to confirm that position. Ms Reilly had been in possession of the letter dated 17 February 2010; this letter undermined her position not to make the disclosure and the panel considered that she deliberately misinterpreted the content of the letter and took a perverse view that it did not constitute “advice”. The panel believed she chose not to disclose her relationship with person A to her employer as she feared it may have a negative effect on her career.

Having established this state of knowledge and belief, the panel considered whether the ordinary honest person would consider this state of mind to be dishonest. The panel was in no doubt that Ms Reilly’s decision not to disclose her relationship with person A, despite being in possession of the letter dated 17 February 2010, would be considered dishonest according to the standards of the ordinary honest person.

In relation to allegation 2, Ms Reilly received clear and unambiguous advice that it would be wise for her to disclose her relationship with person A to her employer. She expressly told the investigation that she received no such advice. This is contradicted by the evidence of the letter dated 17 February 2010.

In her response to the notice of proceedings, Ms Reilly simply stated that she had not been dishonest. However, she offered no alternative rationale as to her state of knowledge or belief. The panel found no evidence of mistake or carelessness. The panel considered that Ms Reilly deliberately concealed the existence of the letter from the investigation and may have done so for fear of the consequences that may ensue.

Having established this state of knowledge and belief, the panel considered whether the ordinary honest person would consider this state of mind to be dishonest. The panel considered that an ordinary honest person would consider this deliberate concealment to be dishonest.

The panel, therefore, 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 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 had regard to its knowledge and experience as to the teaching standards at that time, those being the General Teaching Council for England, Code of Conduct and Practice for Registered Teacher. The panel considered that by reference to this Code of Conduct, Ms Reilly was in breach of the following standards:

- Demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession.

- Understand that their duty to safeguard children and young people come first, but otherwise acknowledge the right of children and young people, families and colleagues to confidentiality in line with statutory requirements and school policies.
- Maintain reasonable standards in their own behaviour that enable them to maintain an effective learning environment and also to uphold public trust and confidence in the profession.

The panel found that in respect of allegations 1 and 2, Ms Reilly was dishonest and actively misled her employer and the investigation. Her behaviour demonstrated to the panel that she did not understand that disclosure to her employer was necessary in order to safeguard children.

- Put the wellbeing, development and progress of children and young people first.
 - Demonstrate self-awareness and take responsibility for accessing help and support in order to ensure that their own practice does not have a negative impact on learning or progress or put children and young people at risk of harm.

The panel found that Ms Reilly had failed to demonstrate insight into how her relationship with person A may have impacted on her role as a head teacher. This lack of insight and self-awareness could have put children at risk of harm.

- Work as part of a whole-school team.
 - Recognise the important role of the school in the life of the local community and take responsibility for upholding its reputation and building trust and confidence in it.

The panel found that Ms Reilly had failed to demonstrate insight into how her relationship with person A may have impacted on her role as a head teacher. This lack of insight could have put the reputation of the school and its community at risk. The panel considered that Ms Reilly put her own reputation and privacy above that of the School.

- Co-operate with other professionals in the children's workforce.
 - Ensure that they are clear about their own professional contribution to joint working, seeking clarification where this is needed.
 - Understand that in sharing responsibility for children and young people's wellbeing and development they should always act within their own competence and responsibilities.

The panel found that Ms Reilly failed to consult the School governors and the local authority with regard to disclosure. She did not seek clarification from those key agencies in order to carry out her safeguarding role as a head teacher effectively.

The panel is satisfied that the conduct of Ms Reilly amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession at the relevant time.

The panel has also considered whether Ms Reilly'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 are relevant.

Taking all of the above into account, the panel was satisfied that Ms Reilly is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The panel found that Ms Reilly showed a lack of professional integrity in the way that she acted.

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

The panel therefore finds that Ms Reilly's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2, 3 and 4 proved, the panel further found that Ms Reilly's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In light of the panel's findings against Ms Reilly, which involved, in particular, a failure to demonstrate insight into how her behaviour might impact her role as a head teacher and a finding of dishonesty, there is a strong public interest consideration in respect of the protection of pupils. This is particularly relevant given that the panel found that Ms Reilly failed to have regard to her safeguarding obligations and failed to appreciate how her relationship with person A could have posed a risk to the pupils within her care.

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

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

The panel also considered that there was a strong public interest consideration in retaining Ms Reilly in the profession. The panel had regard to her considerable experience and her long and valuable contribution to the profession.

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 Ms Reilly.

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 Ms Reilly. 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 Code of Conduct and Practice for registered teachers;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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.

The teacher did have a previously good history over a long period of time. The panel had regard to the numerous and very positive character references within the bundle. The references attested to her exemplary character and were also provided by senior professionals and colleagues who attested to her abilities as a teacher and head teacher. The panel was greatly assisted by these character references which illustrated a very committed teacher who clearly has much to offer the profession.

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 did not consider that the offence of dishonesty amounted to serious dishonesty. It was clear to the panel that Ms Reilly had been a good teacher. There was no evidence of previous misconduct. There was no evidence that Ms Reilly's misconduct caused any harm to the children in her care. However, the risk was present and unacknowledged by her. The panel found it disappointing that having had such a long period of reflection, Ms Reilly still does not accept that her relationship with person A may have had an impact on her role as a head teacher. It is this continued lack of insight and her persistent perverse view about her obligation to disclose that most concerned the panel.

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 Ms Reilly. The lack of insight and the failure to appreciate how her behaviour impacted on her safeguarding responsibilities were significant factors 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 for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 consider that any of these behaviours were proven in this case.

The panel considered that a review period of 2 years would give Ms Reilly the opportunity to reflect on the findings. It should also enable her to develop insight into why her actions were unacceptable and had an impact on her role as a head teacher and, in particular, her safeguarding obligations in the circumstances that have arisen.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after 2 years.

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 Ms Reilly should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Reilly is in breach of the following standards:

- Demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession.
 - Understand that their duty to safeguard children and young people come first, but otherwise acknowledge the right of children and young people, families and colleagues to confidentiality in line with statutory requirements and school policies.
 - Maintain reasonable standards in their own behaviour that enable them to maintain an effective learning environment and also to uphold public trust and confidence in the profession.

The panel found that in respect of allegations 1 and 2, Ms Reilly was dishonest and actively misled her employer and the investigation. Her behaviour demonstrated to the panel that she did not understand that disclosure to her employer was necessary in order to safeguard children.

- Put the wellbeing, development and progress of children and young people first.
 - Demonstrate self-awareness and take responsibility for accessing help and support in order to ensure that their own practice does not have a negative

impact on learning or progress or put children and young people at risk of harm.

The panel found that Ms Reilly had failed to demonstrate insight into how her relationship with person A may have impacted on her role as a head teacher. This lack of insight and self –awareness could have put children at risk of harm.

- Work as part of a whole-school team.
 - Recognise the important role of the school in the life of the local community and take responsibility for upholding its reputation and building trust and confidence in it.

The panel found that Ms Reilly had failed to demonstrate insight into how her relationship with person A may have impacted on her role as a head teacher. This lack of insight could have put the reputation of the school and its community at risk. The panel considered that Ms Reilly put her own reputation and privacy above that of the School.

- Co-operate with other professionals in the children’s workforce.
 - Ensure that they are clear about their own professional contribution to joint working, seeking clarification where this is needed.
 - Understand that in sharing responsibility for children and young people’s wellbeing and development they should always act within their own competence and responsibilities.

The panel finds that the conduct of Ms Reilly fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty.

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 Ms Reilly, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “This is particularly relevant given that the panel found

that Ms Reilly failed to have regard to her safeguarding obligations and failed to appreciate how her relationship with person A could have posed a risk to the pupils within her care.” 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, “There was no evidence that Ms Reilly’s misconduct caused any harm to the children in her care. However, the risk was present and unacknowledged by her. The panel found it disappointing that having had such a long period of reflection, Ms Reilly still does not accept that her relationship with person A may have had an impact on her role as a head teacher.” The panel has also commented that, “It is this continued lack of insight and her persistent perverse view about her obligation to disclose that most concerned the panel.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk future pupils’ safeguarding. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Reilly was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of dishonesty in this case 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 Ms Reilly herself. The panel comment it, “had regard to her considerable experience and her long and valuable contribution to the profession.” The panel also say it had seen, “numerous and very positive character references within the bundle.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “The lack of insight and the failure to

appreciate how her behaviour impacted on her safeguarding responsibilities were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Reilly 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 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 2 year review period.

I have considered the panel’s comments that it, “considered that a review period of 2 years would give Ms Reilly the opportunity to reflect on the findings.” The panel went on to say, “It should also enable her to develop insight into why her actions were unacceptable and had an impact on her role as a head teacher and, in particular, her safeguarding obligations in the circumstances that have arisen.”

I have also considered the panel’s view that the dishonesty found was, “ The panel did not consider that the offence of dishonesty amounted to serious dishonesty.”

I have considered whether a 2 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, I agree with the panel that a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

This means that Ms Caroline Reilly is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 18 January 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Caroline Reilly remains prohibited from teaching indefinitely.

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

Ms Caroline Reilly has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date she is given notice of this order.

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

Decision maker: Dawn Dandy

Date: 18 January 2019

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