



Teaching
Regulation
Agency

Mr Monday Ilenotuma: Professional conduct panel outcome

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

February 2023

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

Teacher: Mr Monday Ilenotuma

Teacher ref number: 0760288

Teacher date of birth: 18 November 1974

TRA reference: 19127

Date of determination: 15 February 2023

Former employer: Bexleyheath Academy, Kent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 February 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Monday Ilenotuma.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Duncan Tilley (lay panellist) and Mr John Martin (teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson solicitors.

Mr Ilenotuma was present and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 2 December 2022.

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

1. Between September 2018 – October 2018, he engaged in and/or sought to develop an inappropriate relationship with Pupil A, who had left the school, by:

a) sending Pupil A one or more inappropriate emails using his personal email address, including emails where he:

- i. sought to identify her whereabouts;
- ii. discussed his personal life;
- iii. discussed her personal life;
- iv. offered to help her with her college work;
- v. commented upon her Instagram posts;
- vi. discussed future plans to meet up with her.

b) sending Pupil A one or more inappropriate WhatsApp messages, including messages where he:

- i. requested to meet up with her;
- ii. commented upon her appearance;
- iii. requested information about what medication she was taking;
- iv. referenced drug use and/or invited her to come to his house to take drugs;
- v. discussed what items of clothing he wore to bed;
- vi. asked her for personal information about her menstruation;

c) giving Pupil A his mobile telephone number;

d) having telephone and/or video conversations with Pupil A on one or more occasions, including conversations where Pupil A told him about her medication and/or that she was having suicidal thoughts;

2. Between September 2018 – October 2018, engaged in and/or sought to develop an inappropriate relationship with Pupil B, who was a Year 10 pupil at another school, including by:

- a) having telephone and/or video conversations with Pupil B on one or more occasions;
- b) sending Pupil B inappropriate WhatsApp messages, including messages where he:
 - i. commented upon Pupil B's appearance;
 - ii. invited Pupil B to text him;
 - iii. discussed Pupil B's health.

Mr Ilenotuma admitted that he sent email and WhatsApp messages to Pupil A and Pupil B. Mr Ilenotuma accepted that he gave Pupil A his mobile phone number, and that he had a telephone conversation with Pupil A.

Mr Ilenotuma did not accept that he engaged in or sought to develop an inappropriate relationship with Pupil A or Pupil B. Mr Ilenotuma did not accept that he had telephone or video conversations with Pupil B. Mr Ilenotuma did not accept that the alleged conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 6

Section 2: Notice of Hearing – pages 8 to 14

Section 3: Teaching Regulation Agency witness statements – pages 16 to 21

Section 4: Teaching Regulation Agency documents – pages 23 to 175

Section 5: Teacher documents – pages 178 to 333

The panel was provided with a letter from the Local Authority Designated Officer (LADO) to Mr Ilenotuma dated 24 April 2019. The parties explained that this should have formed part of the hearing bundle. The document was added to the bundle and labelled page 334.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional document that was provided.

Witnesses

The panel heard oral evidence from Witness A, [REDACTED], called on behalf of the TRA.

Mr Ilenotuma also gave evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Ilenotuma had been employed at Bexleyheath Academy ("the School") since July 2016, initially as a supply teacher and subsequently gaining permanent employment as a maths teacher in September 2016.

On 18 October 2018, concerns were raised about Mr Ilenotuma sending messages to Pupil A (a former pupil at the School and a Year 13 pupil at another school). Pupil A had reported to Individual B (a former employee of the School), that she had received messages from Mr Ilenotuma. Individual B, who at that time was the [REDACTED] at another educational establishment, informed Individual C ([REDACTED]) about the disclosure made by Pupil A. On 23 October 2018, the School suspended Mr Ilenotuma pending an investigation. During the investigation, Pupil A disclosed that Mr Ilenotuma had also been contacting Pupil B (a former pupil at the School and a Year 10 pupil at a different school).

Findings of fact

The findings of fact are as follows:

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

1. Between September 2018 – October 2018, engaged in and/or sought to develop an inappropriate relationship with Pupil A, who had left the school, by:

a) sending Pupil A one or more inappropriate emails using your personal email address, including emails where you:

i. sought to identify her whereabouts;

The panel was provided with evidence of emails sent by Mr llenotuma to Pupil A, in which he sought to identify Pupil A's location. On 16 September 2018, Mr llenotuma sent an email to Pupil A which he asked "*Where about are you going to?*". On 22 September 2018, Mr llenotuma sent an email to Pupil A stating "*Are you home or out with friends?*".

ii. discussed your personal life;

The panel was provided with evidence of an email sent by Mr llenotuma to Pupil A, in which he told Pupil A about his personal life. On 16 September 2018, Mr llenotuma sent an email to Pupil A explaining what he was doing over the weekend:

"Go to church which you don't do...

Do my laundry

Marking loads of books

And preparing for the week ahead"

iii. discussed her personal life;

The panel was provided with evidence of an email sent by Mr llenotuma to Pupil A, in which he asked Pupil A about her personal life. On 17 September 2018, Mr llenotuma sent an email to Pupil A which he asked:

"How was your GP appointment

Hope all went well?"

iv. offered to help her with her college work;

The panel was provided with evidence of an email sent by Mr llenotuma to Pupil A, in which he offered to help Pupil A with her work. On 11 September 2018, Mr llenotuma sent an email to Pupil A in which he stated:

"If you need any help with your academic work do let me know

I will be happy to help"

v. commented upon her Instagram posts;

The panel was provided with evidence of an email sent by Mr llenotuma to Pupil A, in which he commented on her Instagram posts. On 15 September 2018, Pupil A sent Mr llenotuma an email stating:

"If you've got Instagram, feel free to look at my pictures".

In response, Mr llenotuma sent an email on the same day stating:

"I have had a look at your pictures

They are very good

Well done"

Mr llenotuma accepted that he sent emails to Pupil A using his personal email address. Mr llenotuma explained that Pupil A had given him her email address *"for the sole purpose of finding out how she was fairing with her studies and health-wise"*. Mr llenotuma did not accept that he had engaged in or had sought to develop in an inappropriate relationship with Pupil A.

In respect of particular 1a, the panel found that Mr llenotuma's emails were inappropriate because of the volume, content, timing and frequency of them.

The panel found particular 1a (i-v) proved.

b) sending Pupil A one or more inappropriate WhatsApp messages, including messages where you:

i. requested to meet up with her;

The panel was provided with evidence of a WhatsApp message sent by Mr llenotuma to Pupil A, in which he requested to meet up with Pupil A. On 14 October 2018 at 16:57, Mr llenotuma sent a message to Pupil A in which he stated:

"You know what why don't we hang out during midterm".

ii. commented upon her appearance;

The panel was provided with evidence of WhatsApp messages sent by Mr llenotuma to Pupil A, in which he commented on Pupil A's appearance. On 3 October 2018 at 21:50 Mr llenotuma sent a message to Pupil A which he stated:

"You looked radiant today"

On another occasion, Mr llenotuma sent a message to Pupil A on 19 October 2018 at 19:44 with reference to her hair, in which he stated:

"Just saying always looks good"

iii. requested information about what medication she was taking;

The panel was provided with evidence of WhatsApp messages sent by Mr llenotuma to Pupil A, in which he requested information about the medication Pupil A was taking and how it affected her on a daily basis and how she managed. Mr llenotuma sent messages to Pupil A on 6 October 2018 beginning at 17:56 in which he asked:

"How long has your your [sic] medication been on...and does it affect your day to day work...And how do you cope?"

These questions gave rise to Pupil A naming the medication she was taking. In his evidence Mr llenotuma stated that he had researched the medication online.

iv. referenced drug use and/or invited her to come to your house to take drugs;

The panel was provided with evidence of WhatsApp messages sent by Mr llenotuma to Pupil A, in which he referenced drug use and invited Pupil A to his house to take drugs. Mr llenotuma engaged in an exchange of messages with Pupil A on 13 October 2018 starting at 10:57, as follows:

Mr llenotuma: *"Speak to you by 330"*

Pupil A: *"Why what are you doing"*

Mr llenotuma: *"Make some money"*

Pupil A: *"Doing what"*

Mr llenotuma: *"Dr*g"*

Pupil A: *"What you got? Can I have some"*

Mr llenotuma: *"You welcome...when do you wanna come over for some..."*

v. discussed what items of clothing you wore to bed;

The panel was provided with evidence of WhatsApp messages sent by Mr llenotuma to Pupil A, in which he discussed what items of clothing he wore to bed. Mr llenotuma sent messages to Pupil A on 13 October 2018 at 21:23, in response to her question about what pyjamas he has, stating:

"None...I don't wear any..."

"Just a track down and T-shirt".

vi. asked her for personal information about her menstruation;

The panel was provided with evidence of WhatsApp messages sent by Mr Ilenotuma to Pupil A, in which he asked Pupil A for personal information about her menstruation. Mr Ilenotuma sent messages to Pupil A on 14 October 2018 starting at 16:46 in which he stated:

"Does it occur often or it has to do with your monthly cycle"

"No nothing...A times ladies feel so much pain during their period".

After Pupil A explained that she has had her period for 8 years, Mr Ilenotuma responded:

"Since 10 year old"

In reply, Pupil A stated she would never forget that day.

Mr Ilenotuma responded: *"Tell me"*.

Mr Ilenotuma accepted that he sent WhatsApp messages to Pupil A.

In respect of particular 1b, the panel found that Mr Ilenotuma had sent one or more inappropriate WhatsApp messages to Pupil A. The panel found that Mr Ilenotuma's WhatsApp messages were inappropriate because of the volume, content, timing and frequency of them.

The panel found particular 1b proved.

c) giving Pupil A your mobile telephone number;

Mr Ilenotuma accepted that he gave Pupil A his mobile number. The panel was also provided with a copy of the email, dated 28 September 2018 at 20:12, in which Mr Ilenotuma sent his mobile number to Pupil A.

The panel found particular 1c proved.

In respect of particular 1a (i-v), 1b and 1c, the panel found that Mr Ilenotuma had engaged in an inappropriate relationship with Pupil A.

Specifically, the panel found that Mr Ilenotuma had engaged in email and WhatsApp messages with Pupil A and had given Pupil A his mobile number.

The panel took into account the timing, frequency, volume and content of the email and WhatsApp messages. The panel noted the large number of emails sent to Pupil A in an 18-day period. Furthermore, the panel noted the nearly 400 individual WhatsApp

messages were sent by Mr llenotuma to Pupil A in the subsequent 22 days. These emails and WhatsApp messages included some sent late in the evening and at weekends.

In his evidence, Mr llenotuma explained that he was acting out of pastoral concern. The panel recognised that, when read in isolation, some of Mr llenotuma's emails and WhatsApp messages could be interpreted as being motivated by a concern for Pupil A's wellbeing. However, the panel saw no evidence that Pupil A had sought such intervention and indeed some of Pupil A's responses to Mr llenotuma's emails indicated she questioned his intentions. For example, when Mr llenotuma asked about her menstruation on 14 October 2018 and asked her to talk about her first period she said at 16:56 *"Why do you wanna know that?"*

The panel was particularly concerned that at the time of the exchanges Mr llenotuma was not the teacher of Pupil A and had never been her class teacher. The panel was mindful that in exercising his general duty of care as a teacher, at no stage did Mr llenotuma encourage Pupil A to seek support elsewhere. Nor did he himself use proper channels to trigger appropriate support for Pupil A.

The panel found that Mr llenotuma's emails and WhatsApp exchanges with Pupil A were unprofessional. They were significant evidence of an inappropriate relationship which he had allowed to develop between himself and Pupil A.

2. Between September 2018 – October 2018, engaged in and/or sought to develop an inappropriate relationship with Pupil B, who was a Year 10 pupil at another school, including by:

b) sending Pupil B inappropriate WhatsApp messages, including messages where you:

i. commented upon Pupil B's appearance;

The panel was provided with evidence of WhatsApp messages sent by Mr llenotuma to Pupil B, in which he commented upon Pupil B's appearance. Pupil B had sent a photo of herself wearing glasses on 6 October 2018. In response, Mr llenotuma sent a message on the same day at 17:03 to Pupil B in which he stated:

"You look [pair of eyes emoji] beautiful in them".

ii. invited Pupil B to text you;

The panel was provided with evidence of a WhatsApp message sent by Mr llenotuma to Pupil B, in which he invited Pupil B to text him. Mr llenotuma sent a message to Pupil B on 6 October 2018 at 17:34 in which he stated:

"Feel free to text".

iii. discussed Pupil B's health.

The panel was provided with evidence of WhatsApp messages sent by Mr Ilenotuma to Pupil B, in which he discussed Pupil B's health. Mr Ilenotuma sent messages to Pupil B on 30 September 2018 starting at 19:24 in which he stated:

"What ailing you"

"What's is the illnesses about"

Mr Ilenotuma accepted that he exchanged WhatsApp messages with Pupil B. Mr Ilenotuma did not accept that he engaged in or sought to engage in an inappropriate relationship with Pupil B.

In his evidence, Mr Ilenotuma explained that he was acting out of pastoral concern. The panel recognised that, when read in isolation, some of Mr Ilenotuma's WhatsApp messages could be interpreted as being motivated by a concern for Pupil B's wellbeing. Despite this, the panel found that the volume as well as the timing and the nature of the messages to a Year 10 pupil of another school was evidence of an inappropriate relationship with Pupil B.

The panel was again particularly concerned that at the time of the exchanges Mr Ilenotuma was not the teacher of Pupil B and she no longer attended the School. The panel was mindful that in exercising his general duty of care as a teacher, at no stage did Mr Ilenotuma encourage Pupil B to seek support elsewhere. Nor did he himself use proper channels to trigger appropriate support for Pupil B.

The panel found particular 2b proved.

The panel found the following particulars of the allegation against you not proved, for these reasons:

1. Between September 2018 – October 2018, engaged in and/or sought to develop an inappropriate relationship with Pupil A, who had left the school, by:

a) sending Pupil A one or more inappropriate emails using your personal email address, including emails where you:

vi. discussed future plans to meet up with her

Whilst the panel had clear evidence that Mr Ilenotuma requested to meet up with Pupil A by WhatsApp, there was insufficient evidence that he had discussed future plans to meet with her by email.

The panel noted that although Mr llenotuma did write in the emails that *"It would be nice to see u"* and *"hope to taste your cooking some day"* the panel felt this did not amount to him discussing future plans to meet up with Pupil A.

The panel did not find particular 1a(vi) proved.

d) having telephone and/or video conversations with Pupil A on one or more occasions, including conversations where Pupil A told you about her medication and/or that she was having suicidal thoughts;

Mr llenotuma accepted that there was a brief telephone conversation with Pupil A. There was no evidence to find that there had been telephone and/or video conversations between Mr llenotuma and Pupil A regarding her medication or any suicidal thoughts.

The panel did not find particular 1d proved.

2. Between September 2018 – October 2018, engaged in and/or sought to develop an inappropriate relationship with Pupil B, who was a Year 10 pupil at another school, including by:

a) having telephone and/or video conversations with Pupil B on one or more occasions;

There was no evidence to find that there had been telephone and/or video conversations between Mr llenotuma and Pupil B.

The panel did not find particular 2a proved.

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

Having found 1a (i-v), 1b, 1c and 2b 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 found that Mr llenotuma's conduct was inappropriate. The panel noted that the conduct involved two pupils and a significant volume of messages. In respect of Pupil A it occurred over a period of two months and in respect of Pupil B it occurred over a period of one week. The panel considered the case of Khan v Bar Standards Board [2018] EWHC 2184 (Admin). It came to the view that Mr llenotuma's actions had consequences. They prompted Pupil A to disclose the matter to her school's DSL and led her to say in her written evidence *"I don't want him to keep texting me because it makes me feel uncomfortable, because what he says can be taken either way, and I think he means it in*

an inappropriate way but he's trying to make out like he doesn't". Given the two periods of time of the communications, the panel concluded that this was not a temporary lapse on behalf of Mr llenotuma, nor was it excusable. As such the panel was of the view that this was not trivial behaviour.

As regards to unacceptable professional conduct, the panel was satisfied that Mr llenotuma's conduct, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr llenotuma 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
 - 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 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 llenotuma amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr llenotuma conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences was relevant.

In relation to conduct that may bring the profession into disrepute, 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 that they behave.

The findings of misconduct are 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.

Having found the facts of 1a (i-v), 1b, 1c and 2b proved, the panel further found that Mr llenotuma'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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and striking the right balance between the rights of the teacher and the public interest.

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr llenotuma 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 llenotuma.

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 llenotuma. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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 evidence that Mr Ilenotuma's actions were deliberate. There was no evidence to suggest that Mr Ilenotuma was acting under duress.

The panel was informed by the Presenting Officer that Mr Ilenotuma had not previously been subject to disciplinary proceedings.

The panel heard live evidence from Witness A that Mr Ilenotuma was a good teacher. He went on to say that "*students always talked about lessons being on point*" and the pastoral leads described him as a "*solid tutor*".

The panel was also provided with two supportive character references that were undated and unsigned. The panel also noted that it was unclear if the referees were aware of the allegation Mr Ilenotuma faced in these proceedings.

The panel took into account that there was no allegation that Mr Ilenotuma's conduct was sexually motivated.

The panel noted that Mr Ilenotuma accepted that his conduct was wrong. The panel found that the risk of repetition of the specific behaviours concerning informal contact with pupils outside of school hours and without the knowledge of his employer, was low. However, this did not apply to the panel's wider concern regarding Mr Ilenotuma's likely risk of failure to observe the professional boundaries expected of teachers.

The panel was concerned that Mr Ilenotuma had no real understanding about maintaining professional boundaries and that he had poor knowledge and understanding of safeguarding requirements, as set out in Part 1 of Keeping Children Safe in Education (KCSIE).

The panel was troubled by the lack of insight demonstrated by Mr Ilenotuma. In particular, the panel was not persuaded that he fully understood why his actions were wrong. The panel was also concerned that Mr Ilenotuma had not considered how his actions may have affected the pupils involved.

The panel also noted inconsistencies in Mr llenotuma's evidence. In his witness statement, he claimed *"I do not appreciate receiving calls or texts from my students."* However, the panel was aware of text and email messages where he invited communication from Pupil A and Pupil B.

The panel also found that some of Mr llenotuma's evidence lacked plausibility. Examples included: his assertion that he had to be sure of the circumstances before making a safeguarding referral; that he did not know the meaning of an 'x' inserted in a message; that his message inviting Pupil A to meet him over half-term was a means to change the topic of conversation and was not an actual invitation to meet up.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr llenotuma of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate.

The panel noted the time taken for the allegation against Mr llenotuma to be determined and was mindful of the probable impact this has had on his personal and professional life. In the specific circumstances of this case, the panel found that the public interest considerations outweighed the considerations in favour of Mr llenotuma being able to continue to teach. The panel's finding that Mr llenotuma had an inappropriate relationship with two pupils was a significant factor in forming that opinion.

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 for it to decide to recommend a review period of the order. 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. The panel found that none of these behaviours were relevant.

Mr llenotuma accepted that his conduct was wrong. However, the panel was not satisfied that Mr llenotuma understood exactly why his conduct was wrong. He did not appear to appreciate that the timing, frequency, volume and content of the email and WhatsApp messages with Pupil A and Pupil B were inappropriate. Mr llenotuma did show some remorse both in his written statement and in his live evidence.

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 provisions for a review period. The panel recommend that the review period should be two 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including 1a (vi), 1d and 2a. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Monday llenotuma should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr llenotuma 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel found that “Mr llenotuma had poor knowledge and understanding of safeguarding requirements, as set out in Part 1 of Keeping Children Safe in Education (KCSIE).”

The panel finds that the conduct of Mr llenotuma fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of inappropriate relationships with pupils.

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 llenotuma, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, “There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with pupils.” 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, “The panel was troubled by the lack of insight demonstrated by Mr llenotuma. In particular, the panel was not persuaded that he fully understood why his actions were wrong. The panel was also concerned that Mr llenotuma had not considered how his actions may have affected the pupils involved.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. 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, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr llenotuma were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Mr llenotuma himself and the panel comment “The panel heard live evidence from Witness A that Mr llenotuma was a good teacher. He went on to say that “*students always talked about lessons being on point*” and the pastoral leads described him as a “*solid tutor*”.

The panel was also provided with two supportive character references that were undated and unsigned. The panel also noted that it was unclear if the referees were aware of the allegation Mr llenotuma faced in these proceedings.”

A prohibition order would prevent Mr llenotuma 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 lack of insight. The panel has said, “The panel was concerned that Mr llenotuma had no real understanding about maintaining professional boundaries and that he had poor knowledge and understanding of safeguarding requirements, as set out in Part 1 of Keeping Children Safe in Education (KCSIE).”

I have also placed considerable weight on the finding that “The panel noted that Mr llenotuma accepted that his conduct was wrong. The panel found that the risk of repetition of the specific behaviours concerning informal contact with pupils outside of school hours and without the knowledge of his employer, was low. However, this did not apply to the panel's wider concern regarding Mr llenotuma's likely risk of failure to observe the professional boundaries expected of teachers.”

The panel also took into account that there was no allegation that Mr llenotuma's conduct was sexually motivated.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ilenotuma 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, that is not backed up by full 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 "Mr Ilenotuma accepted that his conduct was wrong. However, the panel was not satisfied that Mr Ilenotuma understood exactly why his conduct was wrong. He did not appear to appreciate that the timing, frequency, volume and content of the email and WhatsApp messages with Pupil A and Pupil B were inappropriate. Mr Ilenotuma did show some remorse both in his written statement and in his live evidence."

In this case I agree with the panel and have decided that a 2 year review period is proportionate to achieve the aim of maintaining public confidence in the profession.

This means that Mr Monday Ilenotuma 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 1 March 2025, 2 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 Ilenotuma remains prohibited from teaching indefinitely.

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

Mr Ilenotuma has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Sarah Buxcey

Date: 22 February 2023

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