



Teaching
Regulation
Agency

Dr Adrian Reilly: Professional conduct panel outcome

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

August 2023

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

Teacher:	Dr Adrian Reilly
Teacher ref number:	9806938
Teacher date of birth:	5 October 1969
TRA reference:	19495
Date of determination:	23 August 2023
Former employer:	Bishop Vesey's Grammar School, West Midlands

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 22 to 23 August 2023 by way of a virtual hearing, to consider the case of Dr Adrian Reilly.

The panel members were Ms Susan Humble (lay panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Hannah Foster (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louise Ravenscroft of Capsticks LLP solicitors.

Dr Reilly was present and was represented by Mr Jim Denham of NASUWT.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 9 June 2023.

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

1. On 12 March 2020 he made inappropriate and/or racist comments to a class of [REDACTED] students about two students who had left the classroom.
2. On 16 March 2020 he uploaded an inappropriate image to a Microsoft Teams chat viewable and/or intended to be viewed by [REDACTED] Students.
3. He posted an inappropriate and/or obscene comment with the image referred to at allegation 2 above.
4. By his conduct at any or all of paragraphs 1, 2 and 3 above he failed to have proper and professional regard for the ethos, policies and practices of the School.

Dr Reilly admitted the facts of allegations 1 to 4, and further admitted that those facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute, as stated in the response to the notice of hearing dated 6 July 2023.

Preliminary applications

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of an additional document.

The teacher's document was his undated statement.

The document subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures'). Therefore, the panel was required to decide whether the document should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the teacher's representative in respect of the application. The presenting officer did not object to the inclusion of the teacher's document.

The panel considered the additional document was relevant in that it brought together content of previous statements in one document. The panel also found that admitting the document was appropriate and in the interests of a fair hearing.

Accordingly, the document was added to the end of the bundle.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 3
- Section 2: Notice of proceedings and response – pages 4 to 33
- Section 3: Statement of agreed facts – pages 34 to 39
- Section 4: TRA witness statements – pages 40 to 54
- Section 5: TRA documents – pages 55 to 490
- Section 6: Teacher documents – pages 491 to 511

In addition, the panel agreed to accept the following:

- Undated statement from the teacher – pages 512 to 513.

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 the panel decided to admit.

Witnesses

Dr Reilly was present and gave oral evidence at the hearing, which included him reading his undated statement that the panel decided to admit.

No other witnesses were called to provide oral evidence at the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Dr Reilly commenced employment as a teacher of economics and business studies at Bishop Vesey's Grammar School ('the School') on 1 September 2013. Dr Reilly was later

promoted to assistant headteacher of sixth form, on 1 September 2015, whilst continuing to work as a teacher. Dr Reilly also later became the temporary head of economics and business studies on 24 April 2017, until 13 March 2020.

On 13 March 2020, the School received a complaint from Pupil A concerning Dr Reilly's comments to a class of [REDACTED] students which are alleged to have been inappropriate and racist. The headteacher and HR were notified of the complaint and the School obtained statements from the class.

On 16 March 2020, the School's investigatory meeting into allegation 1 was adjourned until his union representative could be present. The School instructed Dr Reilly to work from home. Dr Reilly later uploaded an image with a comment in a group chat with [REDACTED] students on Microsoft Teams ('MS Teams') which was alleged to have been inappropriate.

The School's investigatory meeting with Dr Reilly took place on 18 March 2020. The School obtained accounts from Pupil A, Person W and Pupil G via telephone in relation to allegation 1. Dr Reilly was suspended from duty pending an investigation on 19 March 2020. The School was also notified of allegation 2 and 3 by Individual B.

The School obtained statements from Individual A, Individual B, Pupil D, Pupil E and Pupil F, in relation to allegation 2 and 3, on 20 March 2020.

Dr Reilly submitted his statement to the School in relation to both allegation 1 and allegation 2, on 30 April 2020. On 1 May 2020, the School's investigatory meeting with Dr Reilly took place. Dr Reilly provided a second statement on 8 June 2020.

A disciplinary hearing was held on 9 June 2020. Dr Reilly was dismissed from employment with immediate effect and without notice on the same day.

An appeal hearing took place on 7 July 2020, and the decision was upheld.

The matter was referred to the TRA on 10 July 2020.

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:

The panel noted the signed statement of agreed facts which was signed by Dr Reilly on 20 April 2022, and subsequently signed by the presenting officer on 6 May 2022. In the signed statement of agreed facts, Dr Reilly admitted the facts of the allegations.

1. On 12 March 2020 you made inappropriate and/or racist comments to a class of [REDACTED] students about two students who had left the classroom.

On 13 March 2020, the School became aware of an incident that had occurred on the previous day, when Dr Reilly had allegedly made inappropriate, unprofessional and discriminatory comments about two pupils who had left the classroom. During an afternoon lesson on 12 March 2020, which Dr Reilly was delivering to [REDACTED] students, Pupil A and Pupil G left the lesson early to [REDACTED]. Pupil A and Pupil G are described [REDACTED], and one of the pupils is said to [REDACTED].

Dr Reilly admitted that on 12 March 2020, he made a comment to a class of [REDACTED] students about two students who had left the class: *“look at that coat – it’s the kind of coat a terrorist could hide a bomb vest under”* or words to that effect. Dr Reilly stated that his comment was not intended to be racist, but he accepted that it could be perceived as being racist and was inappropriate.

The panel noted the witness statement of Individual C, headteacher at the School. Individual C submitted that, on 5 May 2020, he completed an investigation report relating to a number of concerns which had been raised about Dr Reilly. The first concern was that he had made inappropriate and racist comments about Pupil A and Pupil G during a lesson on 12 March 2020. The second concern was that Dr Reilly uploaded a sexually indecent image to a School Microsoft Teams account in an electronic chat containing students.

Individual C explained that the concern involving Pupil A and Pupil G first arose when Pupil A submitted a letter of complaint on 13 March 2020 to Mr Goodwin, assistant headteacher in charge of sixth form. Mr Goodwin forwarded the letter to Dr Reilly. Pupil A complained that he had been informed by other students of a comment made by Dr Reilly about him and Pupil G after they had left Dr Reilly’s economics class on 12 March 2020. The comment was *“who would give them two a job, they look like a bunch of terrorists... they look like they have vests on”* or words to that effect.

Individual C stated that, as a serious allegation had been made by a pupil, he undertook a fact finding exercise to establish that there were reasonable grounds for a full investigation.

Individual C met with Dr Reilly on 18 March 2020, with a union representative. Dr Reilly said that he had made a general comment when looking out the window, to no one in particular, as follows: *“look at that stupid coat, it is the kind of thing you could get a bomb under”* and that Pupil B, a [REDACTED] pupil in class at the time, said this comment was inappropriate.

Individual C spoke to Pupil A and Pupil G, who submitted that Pupil A confirmed he was informed of the comments allegedly made by Dr Reilly by other pupils. On 18 March

2020, Individual C also obtained witness statements from two pupils in the [REDACTED] class who were present when Dr Reilly allegedly made the comments. Individual C also spoke to Pupil B and Pupil C. Pupil B described Dr Reilly saying, after Pupil A and Pupil G left the classroom, *“who would hire those two? They look like terrorists... Pupil G looks like he’s wearing one of those vests”*. Pupil C reported words to the same effect.

The panel noted the witness statement of Pupil B. Pupil B explained that towards the end of the lesson, Pupil A and Pupil G left the class to attend interviews. Pupil B described Pupil A as [REDACTED] and wearing the usual school uniform, often with a [REDACTED]. He described Pupil G as having [REDACTED] and wearing the usual school uniform. The panel noted that there had been no opportunity to test the Pupil’s evidence through questioning.

Pupil B submitted that Dr Reilly made the following comment, after Pupil A and Pupil G had left the classroom: *“who would hire these two? They look like terrorists”* and *“Pupil G looks like he’s wearing one of those vests”*. Pupil B stated that he was shocked by Dr Reilly’s comments. Pupil B referred to his initial statement provided to the School, whereby he stated that Dr Reilly *“jokingly”* made the comment and that he didn’t *“think Dr Reilly meant to be racist he just didn’t realised it was beyond a joke”*. Pupil B stated that his impression of Dr Reilly was that he had a lack of filter as he sometimes commented on people during lessons. However, he did not know what Dr Reilly’s intentions were when he made the comments about Pupil A and Pupil G.

The panel also noted the statement and oral evidence provided by Dr Reilly, who explained that he did not intend the comments to be racist. The panel noted that Dr Reilly admitted during his oral evidence that he could see how others may view the comments he made as racist.

The panel considered that the comments made by Dr Riley were both inappropriate and racist.

The panel found that the facts of this allegation were clear; Dr Reilly had made inappropriate and racist comments to a class of [REDACTED] Students about two students who had left the classroom, and Dr Reilly was not disputing these facts.

The panel found allegation 1 proven.

- 2. On 16 March 2020 you uploaded an inappropriate image to a Microsoft Teams chat viewable and/or intended to be viewed by [REDACTED] Students.**
- 3. You posted an inappropriate and/or obscene comment with the image referred to at allegation 2 above.**

On 18 March 2020, the School became aware that on 16 March 2020 at around 22:22, Dr Reilly had posted an inappropriate photograph and comment on the MS Teams group

chat account that he used to communicate with students from his [REDACTED] class. There were two classes of [REDACTED] pupils; [REDACTED]. Another teacher at the School was notified of the inappropriate image by [REDACTED] in the MS Teams group chat.

Dr Reilly admitted that on 16 March 2020, he posted an image on MS Teams which was visible to pupils of the [REDACTED] class that appears to show a clothed man pushing his face into the bottom of a naked woman.

Dr Reilly submitted that he went into a “*downward spiral of emotions*” once he was suspended from the School on 12 March 2020 for incident 1. Dr Reilly stated that he was browsing on his iPad when he was contacted by one of his [REDACTED] students on MS Teams; he had a “*very close*” and “*warm association*” with this class, and the class was checking to see if Dr Reilly was okay after hearing about the suspension.

Dr Reilly said that there was a running joke in [REDACTED]. When he was contacted, he remembered this joke and thought the image could be a reference to let the students know that things were okay, even though he did not consider they were.

Dr Reilly uploaded the image with the wording in it, but at the time this occurred, Dr Reilly submitted that he did not notice the wording on the image or it was not present.

Individual C said that the concern involving Dr Reilly’s use of MS Teams was brought to the attention of Individual B, [REDACTED], on 18 March 2020, who then reported the concern to Individual C. Individual B had been notified of the concern by Individual A, deputy headteacher, who had been informed [REDACTED]. Individual B approached this pupil on 19 March 2020 and was directed to Pupil D, who was one of Dr Reilly’s [REDACTED] students present in the class MS Teams group chat and who therefore had access to the inappropriate image. The inappropriate image was sent by “*A Reilly*” at 22:22 to the group chat.

Individual C approached Pupil D, Pupil E and Pupil F to provide statements.

In his written statement of 30 April 2020, Dr Reilly provided his comments in relation to his use of MS Teams on 16 March 2020. Dr Reilly admitted that he sent the image in the MS Teams chat following a “*downward spiral of emotions*” after being told on 16 March 2020 not to come to school and that, on reflection, he acknowledged that this was “*wholly inappropriate and completely unprofessional*”.

The panel also considered the statement and oral evidence provided by Dr Reilly, where he explained that when he clicked on the image, it contained no written comments and, therefore, he did not intentionally upload the comments and did not write any comments. However, the panel considered the allegations, which were whether “*on 16 March 2020 [Dr Reilly] uploaded an inappropriate image to a Microsoft Teams chat viewable and/or*

intended to be viewed by [REDACTED] Students” and whether he “posted an inappropriate and/or obscene comment with the image referred to at allegation 2 above”.

The panel found that Dr Reilly did not dispute that he uploaded the image and the comments. The panel found that the image and comments were inappropriate.

Dr Reilly disputes that he intended to post the comments. The panel found that on the balance of probabilities, he did post an inappropriate image and obscene comments, whether he noticed that he had posted the comments or not.

The panel found allegations 2 and 3 proven.

4. By your conduct at any or all of paragraphs 1, 2 and 3 above you failed to have proper and professional regard for the ethos, policies and practices of the School.

Dr Reilly admitted that he failed to have proper and professional regard for the ethos, policies and practices of the School.

Individual C explained in his statement that the School’s code of conduct requires staff to maintain high standards of personal and professional conduct, to treat students and members of the school community with dignity and to show tolerance and respect for the rights of others. The panel noted that the code of conduct also states that employees must treat a member of the school *with “mutual respect, and at all times observing proper boundaries appropriate to an employee’s position”* and that staff must set examples of behaviour and conduct and staff must *“avoid using inappropriate or offensive language at all times”*. In the panel’s view, Dr Reilly’s behaviour was not in accordance with these expectations.

The panel considered the School’s Equality and Diversity Policy which required that all staff should *“make an effort not to use language or terms which discriminate against individuals or a particular group.”*

The panel considered the School’s social media policy in particular that it required staff to *“never post anything which may be considered as obscene or of a sexual nature”*. Dr Reilly had stated that he was not aware that his post of the image could be seen by others, as he thought it was private to students who he believed to be aged 18. The social media policy stated that *“anything you write (regardless of privacy settings) are not private and could become public therefore ensure comments on social media sites are professional, maintain a clear distinction between your personal and professional lives”*.

The panel considered the Department for Education: Keeping children safe in education (September 2019) (KCSIE) and in particular; the requirement that the pupil’s needs should be first and foremost, in section two that the School’s Code of Conduct, should amongst other things, include *“acceptable use of technologies, staff/pupil relationship*

and communications including the use of social media” and the definition of sexual abuse which “may also include sexual images”.

The panel considered that the ethos, policies and practices of the School were clear and that Dr Reilly’s conduct had failed to have proper and professional regard for these.

The panel found allegation 4 proven.

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

Dr Reilly further admitted that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proven 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 Dr Reilly, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Dr Reilly 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
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.

- 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 Dr Reilly as described and found above, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Dr Reilly's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of intolerance on the grounds of race was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with the guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the 4 allegations, based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

Accordingly, the panel was satisfied that Dr Reilly 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 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.

The panel therefore found that Dr Reilly's actions constituted 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 Dr Reilly'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.

The panel was aware that 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 that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Dr Reilly, which involved making an inappropriate and racist comment and uploading an inappropriate image, with inappropriate and obscene comments, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Reilly was 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. The conduct found against Dr Reilly was outside that which could reasonably be tolerated. The conduct found against Dr Reilly was at the more serious end of the scale.

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 Dr Reilly. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Dr 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 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 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 of failing to promote the safety of a welfare of the children (as set out in Part 1 of KCSIE);
- violating of the rights of pupils;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism;
- a deep-seated attitude that leads to harmful behaviour.

The panel also took account of paragraph 41 of the Advice, which states:

- that panels should attach appropriate weight and seriousness to online behaviours including, but not limited to: online misconduct, facilitating online abuse or facilitating inappropriate relationships.

The panel found that Dr Reilly had departed from the personal and professional conduct elements for the reasons outlined above.

The panel found that Dr Reilly's actions amounted to a clear breach of the Teacher's Standards and Dr Reilly was in a position of trust and responsibility. He was also a role model and his actions had fallen significantly short of the standards expected of him in that regard. Dr Reilly had a responsibility to create a safe environment for children to learn and found that Dr Reilly's behaviour sought to exploit his position of trust regarding his engagement with students and therefore should be viewed very seriously in terms of its potential influence on them.

Even though 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.

The panel found that that Dr Reilly's actions were deliberate.

There was no evidence to suggest that Dr Reilly was acting under extreme duress.

There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Dr Reilly contributed significantly to the education sector.

By way of mitigation, the panel took into account the undated statement from Dr Reilly, the submissions from Mr Jim Denham on behalf of Dr Reilly and the character references provided, by former pupils and one from a previous colleague.

[REDACTED]

Dr Reilly provided a number of character references from his former pupils attesting to his ability as a teacher:

- [REDACTED], former pupil of Dr Reilly:
 - *“Ade provided me with an abundance of positive learning experiences whilst I was a student at [REDACTED]. Ade always made himself available to answer any questions I had about the content of the curriculum we were learning.”*
 - *“In this respect I think that Ade would be a huge loss to the teaching profession. The teaching profession is ultimately about helping young adults understand what possible opportunities are out there and helping them realise those opportunities. Ade did just that. If it wasn’t for Ade, I probably wouldn’t have studied [REDACTED].”*
- [REDACTED], former pupil of Dr Reilly:
 - *“In my experience, his teaching style was engaging and enthusiastic; he was able to explain relatively complicated topics in an easy to understand manner. Furthermore, [REDACTED], he was always willing to help with students' problems, whether it was providing academic support or just to lend an ear.”*
- [REDACTED], former pupil of Dr Reilly:
 - *“I found Dr Reilly to be a very honest and true individual who I personally felt confident in confiding in and going to for help, something school often lacked. He looked at me alongside other students as adults rather than children which was a breath of fresh air.”*
- [REDACTED], former pupil of Dr Reilly:
 - *“Yes, in some cases he was unconventional as a teacher/Head of Department; however, racist, sexist or discriminatory, Dr Reilly was not”.*
- [REDACTED], former pupil of Dr Reilly:
 - *“When I came back into school, I worked in his classroom during lunchtimes to catch up on coursework and exam material. He would often sit in the class with me whilst he had his lunch, and support if I ever needed help.”*

- *“When I heard Dr Reilly had lost his job and the allegations against him, my heart dropped. [REDACTED], I just could not see this coming from someone like him. A true educator and motivator at heart.”*

The panel noted that the character references provided were mainly from former pupils. The panel found that Dr Reilly was a well-liked teacher from the references quoted above. However, they concluded that the references indicated that he had not at all times observed boundaries appropriate to a teacher’s professional position. In particular in one of the references, Dr Reilly, was described as *“unconventional”* as a teacher/head of department. The panel found that Dr Reilly did not respect *“proper boundaries”*.

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

The panel considered the statement from Dr Reilly, where he stated that he did not dispute the actions he took and that he regretted these enormously. The panel also considered the submissions made by Dr Reilly’s representative, Mr Jim Denham, that he did not appeal the decision to dismiss him, and that this showed insight.

The panel considered the extent to which Dr Reilly was remorseful for his actions and whether he had shown insight.

The panel found that Dr Reilly had not demonstrated to them that he had true insight. The panel noted that he had not mentioned the impact his actions had on the students involved. Instead he had focused on his intention when making the racist comment. Similarly, he had focused on the wording uploaded with the image and whether or not he was aware it was present. The panel noted that he had not provided supporting evidence that he apologised for his comments. He still had not acknowledged that his comment was racist per se.

The panel noted Mr Denham’s submission, that Dr Reilly had never attempted to conceal, deny or downplay how inappropriate his actions were and that the only thing he challenged was the suggestion that he was knowingly or wilfully racist. This did not address the impact he had on the pupils, and wider school community, in the panel’s view.

The panel also noted Dr Reilly had not undertaken any training, such as safeguarding training, since his misconduct.

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 Dr Reilly 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 Dr Reilly, given the seriousness of the misconduct and this 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 mitigate against the recommendation of a review period. The panel did not find any of these behaviours were relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours was intolerance on the grounds of race. The panel also found that Dr Reilly was responsible for sharing a sexualised and explicit image. The panel was in no doubt that Dr Reilly's misconduct was very serious and his conduct had departed from the personal and professional conduct elements of the Teachers' Standards.

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, after three years. The panel recommended a review period of three years, as the panel felt this would give Dr Reilly time, and the opportunity to, gain further insight into his misconduct.

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 Dr Reilly should be the subject of a prohibition order, with a review period of three years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- 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 Dr Reilly, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

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 Dr Reilly, 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 children and/or safeguard pupils. The panel has observed, "In the light of the panel's findings against Dr Reilly, which involved making an inappropriate and racist comment and uploading an inappropriate image, with inappropriate and obscene comments, there was a strong public interest consideration in respect of the protection of 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 considered the statement from Dr Reilly, where he stated that he did not dispute the actions he took and that he regretted these enormously. The panel also considered the submissions made by Dr Reilly's representative, Mr Jim Denham, that he did not appeal the decision to dismiss him, and that this showed insight."

I have also taken account the panel's comment on the extent to which Dr Reilly was remorseful for his actions and whether he had shown insight, "The panel found that Dr Reilly had not demonstrated to them that he had true insight. The panel noted that he had not mentioned the impact his actions had on the students involved. Instead he had focused on his intention when making the racist comment. Similarly, he had focused on the wording uploaded with the image and whether or not he was aware it was present. The panel noted that he had not provided supporting evidence that he apologised for his comments. He still had not acknowledged that his comment was racist per se." 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 Dr Reilly was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding which involved making an inappropriate and racist comment and uploading an inappropriate image, with inappropriate and obscene comments 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 Dr Reilly himself and the panel comment “The panel noted that the character references provided were mainly from former pupils. The panel found that Dr Reilly was a well-liked teacher from the references quoted above. However, they concluded that the references indicated that he had not at all times observed boundaries appropriate to a teacher’s professional position. In particular in one of the references, Dr Reilly, was described as “*unconventional*” as a teacher/head of department. The panel found that Dr Reilly did not respect “*proper boundaries*”. I have noted the panel also said that “There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Dr Reilly contributed significantly to the education sector.”

A prohibition order would prevent Dr Reilly 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 insight or remorse. The panel has said, “The panel noted Mr Denham’s submission, that Dr Reilly had never attempted to conceal, deny or downplay how inappropriate his actions were and that the only thing he challenged was the suggestion that he was knowingly or wilfully racist. This did not address the impact he had on the pupils, and wider school community, in the panel’s view.”

I have also placed considerable weight on the finding “The panel found that Dr Reilly’s actions amounted to a clear breach of the Teacher’s Standards and Dr Reilly was in a position of trust and responsibility. He was also a role model and his actions had fallen significantly short of the standards expected of him in that regard. Dr Reilly had a responsibility to create a safe environment for children to learn and found that Dr Reilly’s behaviour sought to exploit his position of trust regarding his engagement with students and therefore should be viewed very seriously in terms of its potential influence on them.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dr 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, 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 3 year review period.

I have considered the panel's comments "The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours was intolerance on the grounds of race. The panel also found that Dr Reilly was responsible for sharing a sexualised and explicit image. The panel was in no doubt that Dr Reilly's misconduct was very serious and his conduct had departed from the personal and professional conduct elements of the Teachers' Standards."

In this case, factors mean that allowing 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 and the lack of full insight.

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Dr Adrian Reilly 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 5 September 2026, 3 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, Dr Reilly remains prohibited from teaching indefinitely.

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

Dr Reilly 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: 25 August 2023

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