



Teaching
Regulation
Agency

Miss Nicola McCarthy: Professional conduct panel meeting outcome

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

October 2024

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

Teacher:	Miss Nicola McCarthy
Teacher ref number:	3637852
Teacher date of birth:	13 April 1992
TRA reference:	21354
Date of determination:	25 October 2024
Former employer:	Hartburn Primary School, Stockton-on-Tees

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened remotely via Microsoft Teams on 25 October 2024 to consider the case of Miss Nicola McCarthy.

The panel members were Ms Christine Cunniffe (teacher panellist – in the chair), Mr Gerry Wadwa (teacher panellist) and Ms Louise Wallace (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Miss McCarthy that the allegations be considered without a hearing. Miss McCarthy provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Miss McCarthy or any representative.

The meeting took place in private by Virtual Hearing

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 September 2024.

It was alleged that Miss McCarthy was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a teacher at Hartburn Primary School;

1. Between around May 2021 and October 2022, she did not disclose to the School that Person A, with whom she was in a personal relationship with, was:
 - a. under investigation by the Police in relation to offences relating to children; and/or
 - b. convicted of an offence in relation to possessing indecent image(s) and/or video(s) of children under the age of 18 [REDACTED]; and/or
 - c. [REDACTED], on the sex offenders' register.
2. By reason of her conduct at paragraph 1a) and/or 1b) above, she did not disclose a potentially serious safeguarding concern.
3. Her action(s) at paragraph 1:
 - a. were dishonest; and/or
 - b. lacked integrity.

Miss McCarthy admitted the facts of the allegations and that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6

Section 2: Notice of referral and response to notice of referral – pages 7 to 22

Section 3: Statement of agreed facts – pages 23 to 26

Section 4: Teaching Regulation Agency documents – pages 27 to 168

Section 5: Teacher documents – pages 169 to 173

Section 6: Notice of meeting – pages 174 to 175

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Miss McCarthy on 24 September 2024.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Miss McCarthy for the allegations to be considered without a hearing.

The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Miss McCarthy previously worked as a teacher at Hartburn Primary School (“the School”).

She commenced work at the School on 1 September 2021.

On 5 October 2022, the [REDACTED] of the School was notified by the Local Authority Designated Officer (LADO) that a safeguarding concern had arisen in relation to Miss McCarthy. Specifically, it was disclosed that she was in a relationship with a convicted sex offender, a fact unknown to the School.

On 11 October 2022, following a LADO meeting to discuss the concerns this gave rise to, Miss McCarthy was suspended from duties pending an investigation.

Individual B was appointed as investigating officer on behalf of Prince Regent Street Trust, which the School formed part of.

On 21 October 2022, an investigation meeting was held between Individual B and Miss McCarthy.

At the conclusion of the investigation, a disciplinary process was instigated. On 23 November 2022, a disciplinary hearing was held.

On 15 December 2022, Miss McCarthy was referred to the TRA.

Findings of fact

The findings of fact are as follows:

- 1. Between around May 2021 and October 2022, you did not disclose to the School that Person A, with whom you were in a personal relationship with, was:**
 - a. under investigation by the Police in relation to offences relating to children; and/or**
 - b. convicted of an offence in relation to possessing indecent image(s) and/or video(s) of children under the age of 18 [REDACTED]; and/or**
 - c. [REDACTED], on the sex offenders' register.**

Miss McCarthy admitted the facts of allegations 1(a) to (c), which the panel considered together.

Miss McCarthy admitted that:

- She was in a personal relationship with Person A until [REDACTED].
- [REDACTED] police attended Miss McCarthy's property and seized electronic devices belonging to Person A.
- In April 2022, Person A was interviewed at Darlington Police Station.
- [REDACTED], Person A was convicted for an offence of possession of indecent images of children (2x category A and 54x category C) for which he received a community order.
- She was aware that Person A was added to the sexual offenders' register [REDACTED].

Miss McCarthy further accepted that at no point during her recruitment process, upon being appointed as a teacher at the School or subsequently did she disclose the circumstances of Person A being under investigation by the police, his prosecution or conviction to the School

In light of Miss McCarthy's admissions, which were consistent with the evidence before the panel, it found allegations 1(a), (b) and (c) proved.

2. By reason of your conduct at paragraph 1a) and/or 1b) above, you did not disclose a potentially serious safeguarding concern.

Having found the facts of allegations 1(a) and 1(b) proved, the panel went on to consider whether Miss McCarthy's actions were such that she did not disclose a potentially serious safeguarding concern.

Miss McCarthy admitted this allegation.

The panel agreed that Person A's circumstances constituted a potentially serious safeguarding concern.

The panel also concluded that Miss McCarthy had a duty to disclose her relationship and Person A's circumstances to the School.

The panel recognised that this was a personal relationship and, to that extent, could be said to engage Miss McCarthy's right to a private life. However, the panel was satisfied that this was overridden by her wider professional obligations.

In this instance, Person A's circumstances were such that he potentially posed a danger to children. That required, at the very least, a risk assessment and Miss McCarthy had a duty to inform the School in the fulfilment of her safeguarding responsibilities towards its pupils.

There are many ways in which an individual, should they wish to do so, could use a relationship with a teacher to gain access to pupils; not only through being allowed to visit a school but also through finding out information about the pupils. The panel noted that at one stage Miss McCarthy accompanied pupils for a residential trip. Reporting such a connection enables a discussion to be had about how those risks might be avoided.

Accordingly, Miss McCarthy's relationship with Person A, who she was living with at the relevant time, created a transferrable risk that required a disclosure to be made. The need to safeguard children was of paramount importance and it was not open to Miss McCarthy to decide upon the level of risk Person A presented and/or how that could be managed, given her personal involvement and consequential lack of objectivity.

The panel therefore found allegation 2 proved.

3. Your action(s) at paragraph 1:

a. were dishonest; and/or

b. lacked integrity.

Having found the facts of allegation 1 proved, the panel went on to consider whether Miss McCarthy's conduct lacked integrity and/or was dishonest.

Miss McCarthy admitted both elements. The panel noted that she had done so with so explicit reference to the applicable tests set down in *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67 and *Wingate and Evans v SRA; SRA v Malins* [2018] EWCA Civ 366. She had also been supported in these proceedings by a union representative.

The panel accepted Miss McCarthy's admissions. Whilst she alluded to difficulties in processing the circumstances of Person A's arrest and prosecution, it was clear from her responses, considered as a whole, that she chose not to reveal what was happening to the School. For instance, in her statement to the panel, Miss McCarthy stated:

"I knew I had to come to terms with the reality of the situation sooner rather than later and this would mean informing school."

It followed that her actions were deliberate. She knew that she was required to inform her employer and she chose to conceal the position from the School over a prolonged period of time, when she would have had multiple opportunities to make an appropriate disclosure. This was dishonest by the standards of ordinary decent people.

The panel was also satisfied that, by her actions, she failed to adhere to the standards of the profession. As set out above in the panel's findings in allegation 2, the relationship with Person A created a transferable risk that Miss McCarthy had a duty to disclose. It was not for her to decide the extent of that risk or how it should be managed. It was an issue that required an assessment by the School's leadership.

The importance of this issue and the potential implications for her position as a teacher at the School are matters that ought to have been apparent to Miss McCarthy.

Her conduct evidenced a disregard for a very important aspect of her role. Safeguarding is of paramount importance and superseded any concerns Miss McCarthy may have had about revealing Person A's circumstances.

As a consequence of her non-disclosure, the School was prevented from undertaking an independent assessment of the implications Person A's circumstances gave rise to and what steps, if any, may have been necessary to manage the risk.

For all these reasons, the panel was also satisfied that Miss McCarthy's conduct lacked integrity.

The panel therefore found allegations 3(a) and 3(b) proved in relation to allegation 1.

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

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

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

The panel was satisfied that the conduct of Miss McCarthy in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, she 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Miss McCarthy’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant.

The panel also took into account the wider context of Miss McCarthy’s actions.

Miss McCarthy was in a position of trust and responsibility. It was incumbent upon her to act with honesty and integrity at all times. She was also a role model. She had safeguarding obligations which overrode her private interests in the specific circumstances of this case.

In light of the panel’s findings, she had breached her obligations and, in essence, put her own interests before her professional duties by deliberately failing to disclose a personal relationship with someone under investigation and subsequently convicted for child sex offences.

The panel also took into account that she was an experienced teacher who had received safeguarding training on a regular basis.

For these reasons, the panel was satisfied that the conduct of Miss McCarthy fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Miss McCarthy was guilty of unacceptable professional conduct.

In relation to whether Miss McCarthy's conduct 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 they behave.

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

The panel therefore found that Miss McCarthy's actions constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of the allegations proved, the panel further found that Miss McCarthy'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 protection of other members of the public;
- The maintenance of public confidence in the profession; and
- Declaring and upholding proper standards of conduct.

In light of the panel's findings against Miss McCarthy, which involved dishonestly failing to disclose a potentially serious safeguarding concern to the School, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

The panel also considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss McCarthy were not treated with the utmost seriousness when regulating the conduct of the profession.

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

In addition to these public interest considerations, the panel considered whether there was a public interest in retaining Miss McCarthy in the profession.

Miss McCarthy has an otherwise unblemished record. Her competence had not been called into question. There was evidence before the panel to suggest she had been regarded as a very good teacher. In light of this, the panel concluded there was a degree of public interest in retaining her in the profession.

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

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 Miss McCarthy.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- 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);
- dishonesty or a lack of integrity;
- concealment.

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.

The panel considered that the following mitigating factors are present in this case:

- Miss McCarthy appeared to have had an otherwise unblemished record.
- The panel was presented with some positive information regarding her practice as a teacher and Miss McCarthy's abilities as an educator had not been challenged.
- Miss McCarthy had engaged with the TRA and made full admissions.
- The panel took into account that Miss McCarthy was experiencing a very difficult and stressful personal situation within the period in question.

Weighed against this, the aggravating features in this case included that:

- Miss McCarthy's behaviour was deliberate. Whatever personal difficulties she was experiencing, at all times she remained responsible for her behaviour.
- Miss McCarthy's actions amounted to a clear breach of the Teachers' Standards.
- Her actions involved the potential for harm and had obvious safeguarding implications.
- Miss McCarthy was an experienced teacher who had received regular safeguarding training.
- This was a protracted instance of misconduct, whereby she did not reveal Person A's investigation at the time of her recruitment in May 2021 and did not make any disclosure even after Person A's conviction [REDACTED].
- She had behaved dishonestly and without integrity.
- Whilst Miss McCarthy had shown some regret, remorse and insight, the panel had concerns regarding the extent of this. The panel considered that, in her statement to the TRA, she continued to put the focus upon Person A's wrongdoing and

insufficiently addressed her own culpability. The panel was, therefore, concerned that she had yet to take full responsibility for her actions. Miss McCarthy's insight was emerging and not yet complete.

- Whilst Miss McCarthy had alluded to finding it difficult to come to terms with these events, there was no evidence that she sought, for example, professional support. To that extent, there was minimal evidence of remediation.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss McCarthy 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 Miss McCarthy. The fact that Miss McCarthy had acted dishonestly and without integrity was a significant factor in forming that opinion. She had concealed, from the School, the fact that Person A was under investigation and convicted for child sex offences from May 2021 until October 2022, despite the obvious safeguarding implications of that state of affairs.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered.

The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours were not relevant in this case.

The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period, for the following reasons in particular.

The panel had in mind, firstly, that prohibition orders should not be given in order to be punitive.

Miss McCarthy had already been impacted by her actions and the panel's findings and decision would affect her professional reputation and future employment prospects.

Secondly, Miss McCarthy's conduct took place in the context of an otherwise unblemished career when there was positive evidence about her teaching. In that context and when the other mitigating factors were taken into account, the panel concluded that recommending no review period would not be appropriate and would be disproportionate.

Thirdly, the panel considered that, in time, it would be possible for Miss McCarthy to undertake remediation, gain further insight and demonstrate that she was suitable to return to the profession.

The panel proceeded to consider the minimum period before which an application could be made, by Miss McCarthy, to have the prohibition order reviewed and set aside.

The Advice specifies that where a case involves certain factors, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. Once again, the panel did not consider these to be relevant in this case. Whilst Miss McCarthy had behaved dishonestly, the panel did not regard this as an instance of the most serious dishonesty in the specific and unusual context, whereby this was an instance of passive dishonest conduct.

The panel concluded that a review period of two years was appropriate and proportionate in this case.

A period of two years will afford Miss McCarthy sufficient time and opportunity, should she wish to do so, to take steps to fully rehabilitate and remediate her conduct and demonstrate that she has gained further insight into the nature, effect and implications of her conduct.

In the view of the panel, a period beyond two years would be disproportionate.

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 Miss Nicola McCarthy should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Miss McCarthy 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Miss McCarthy 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 Miss McCarthy fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of dishonestly failing to disclose a potentially serious safeguarding concern to her school.

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 or conduct likely to 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 Miss McCarthy, 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 safeguard pupils. The panel has observed, "In light of the panel's findings

against Miss McCarthy, which involved dishonestly failing to disclose a potentially serious safeguarding concern to the School, there was a strong public interest consideration in the safeguarding and wellbeing 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 has set out as follows, “Whilst Miss McCarthy had shown some regret, remorse and insight, the panel had concerns regarding the extent of this. The panel considered that, in her statement to the TRA, she continued to put the focus upon Person A’s wrongdoing and insufficiently addressed her own culpability. The panel was, therefore, concerned that she had yet to take full responsibility for her actions. Miss McCarthy’s insight was emerging and not yet complete.”

The panel has also commented, “Whilst Miss McCarthy had alluded to finding it difficult to come to terms with these events, there was no evidence that she sought, for example, professional support. To that extent, there was minimal evidence of remediation.”

In my judgement, the lack of full insight and remorse 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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Miss McCarthy were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the findings of dishonesty and failing to disclose a potentially serious safeguarding concern in this case and the impact that such findings have 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 or conduct likely to bring the profession into disrepute, 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 Miss McCarthy herself. The panel has commented, “Miss McCarthy has an otherwise unblemished record. Her competence had not been called into question. There was evidence before the panel to

suggest she had been regarded as a very good teacher. In light of this, the panel concluded there was a degree of public interest in retaining her in the profession.”

A prohibition order would prevent Miss McCarthy 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 finding that Miss McCarthy dishonestly failed to disclose a potentially serious safeguarding concern. The panel has said, “The panel decided that the public interest considerations outweighed the interests of Miss McCarthy. The fact that Miss McCarthy had acted dishonestly and without integrity was a significant factor in forming that opinion. She had concealed, from the School, the fact that Person A was under investigation and convicted for child sex offences from May 2021 until October 2022, despite the obvious safeguarding implications of that state of affairs.”

I have also placed considerable weight on the panel’s comments that Miss McCarthy had not demonstrated full insight and remorse, and that there was “minimal evidence of remediation” on the part of Miss McCarthy.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss McCarthy 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 and remorse, 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 two-year review period.

I have considered the panel’s comment, “Whilst Miss McCarthy had behaved dishonestly, the panel did not regard this as an instance of the most serious dishonesty in the specific and unusual context, whereby this was an instance of passive dishonest conduct.” I have also considered the panel’s comment, “A period of two years will afford Miss McCarthy sufficient time and opportunity, should she wish to do so, to take steps to fully rehabilitate and remediate her conduct and demonstrate that she has gained further insight into the nature, effect and implications of her conduct.”

The dishonest conduct found proven in this case is serious, particularly as it relates to concealing a potentially serious safeguarding concern. However, I agree with the panel that a period of two years would be sufficient to allow Miss McCarthy to demonstrate full

insight and remorse and also that she has taken steps to avoid a repetition of this conduct in future.

I have decided, therefore, that a two-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.

This means that Miss Nicola McCarthy 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 8 November 2026, two 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, Miss McCarthy remains prohibited from teaching indefinitely.

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

Miss Nicola McCarthy has a right of appeal to the King'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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 29 October 2024

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