



Teaching
Regulation
Agency

Mr Daniel Kerr: Professional conduct panel meeting outcome

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

December 2024

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

Teacher:	Mr Daniel Kerr
Teacher ref number:	1675299
Teacher date of birth:	8 November 1992
TRA reference:	19968
Date of determination:	2 December 2024
Former employer:	Cherry Lane Primary School, West Drayton

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 2 December by way of a virtual meeting, to consider the case of Mr Daniel Kerr.

The panel members were Mr Nigel Shock (lay panellist – in the chair), Ms Jan Stoddard (lay panellist) and Mrs Natalie Moore (teacher panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Kerr that the allegations be considered without a hearing. Mr Kerr provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Sherelle Appleby of Browne Jacobson LLP, or Mr Kerr.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 11 January 2024.

It was alleged that Mr Kerr was guilty of having been convicted of a relevant offence, in that on 2 July 2021 he was convicted at Snaresbrook Crown Court for the offences of:

1. 8 counts of cause/incite a boy under 13 to engage in sexual activity – no penetration contrary to Sexual Offences Act 2003 s.8(1)

2. 3 counts of taking indecent photographs or pseudo-photographs of children contrary to Protection of Children Act 1978 s.1
3. 4 counts of cause child under 13 to watch/look sexual act contrary to Sexual Offences Act 2003 s12(1)(a)
4. 3 counts of sexual assault of male child under 13 contrary to Sexual Offences Act 2003 s.7
5. 3 counts of making indecent photograph or pseudo-photograph of children contrary to Sexual Offences Act 1978 s.1(a)
6. 1 count of Offender of any age cause/incite a boy under 13 to engage in sexual activity- penetration – contrary to the Sexual Offences Act 2003.

The panel noted that Mr Kerr admitted allegations 1, 2, 3, 4, 5 and 6 as set out in the response to the notice of referral form dated 15 January 2024, and the statement of agreed facts, signed by Mr Kerr on the 23 September 2024.

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: Notice of Referral, response and Notice of Meeting – pages 4 to 24
- Section 2: Statement of Agreed Facts and presenting officer representations – pages 26 to 31
- Section 3: Teaching Regulation Agency documents – pages 33 to 47

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

Statement of Agreed Facts

The panel considered a Statement of agreed facts which was signed by Mr Kerr on 23 September 2024, and subsequently signed by the presenting officer on 30 September 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Kerr 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.

On 8 March 2021, Mr Kerr was convicted of:

1. 8 counts of cause/incite a boy under 13 to engage in sexual activity – no penetration - contrary to Sexual Offences Act 2003 s.8(1);
2. 3 counts of taking indecent photographs or pseudo-photographs of children contrary to the Protection of Children Act 1978 s.1;
3. 4 counts of cause child under 13 to watch/look at an image of sexual activity contrary to Sexual Offences Act 2003 s12(1)(a);
4. 3 counts of sexual assault of male child under 13 contrary to Sexual Offences Act 2003 s.7;
5. 3 counts of making indecent photograph or pseudo-photograph of children contrary to Sexual Offences Act 1978 s.1(a); and
6. 1 count of Offender of any age cause/incite a boy under 13 to engage in sexual activity – penetration – contrary to the Sexual Offences Act 2003.

On 2 July 2021, Mr Kerr was sentenced to a total of 15 years imprisonment in respect of the convictions as set out above.

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:

On 2 July 2021 you were convicted at Snaresbrook Crown Court for the offences of:

- 1. 8 counts of cause/incite a boy under 13 to engage in sexual activity – no penetration contrary to Sexual Offences Act 2003 s.8(1);**
- 2. 3 counts of taking indecent photographs or pseudo-photographs of children contrary to Protection of Children Act 1978 s.1;**

- 3. 4 counts of cause child under 13 to watch/look sexual act contrary to Sexual Offences Act 2003 s12(1)(a);**
- 4. 3 counts of sexual assault of male child under 13 contrary to Sexual Offences Act 2003 s.7;**
- 5. 3 counts of making indecent photograph or pseudo-photograph of children contrary to Sexual Offences Act 1978 s.1(a); and**
- 6. 1 count of Offender of any age cause/incite a boy under 13 to engage in sexual activity- penetration – contrary to the Sexual Offences Act 2003.**

The panel considered the statement of agreed facts, signed by Mr Kerr on 23 September 2024. In that statement of agreed facts, Mr Kerr admitted the particulars of allegations 1, 2, 3, 4, 5 and 6 and further admitted that the facts of the allegations amounted to conviction of a relevant offence. Notwithstanding this the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Snaresbrook Crown Court, dated 8 March 2021, which detailed that Mr Kerr had been convicted of:

1. 8 counts of cause/incite a boy under 13 to engage in sexual activity – no penetration contrary to Sexual Offences Act 2003 s.8(1);
2. 3 counts of taking indecent photographs or pseudo-photographs of children contrary to Protection of Children Act 1978 s.1;
3. 4 counts of cause child under 13 to watch/look sexual act contrary to Sexual Offences Act 2003 s12(1)(a);
4. 3 counts of sexual assault of male child under 13 contrary to Sexual Offences Act 2003 s.7;
5. 3 counts of making indecent photograph or pseudo-photograph of children contrary to Sexual Offences Act 1978 s.1(a); and
6. 1 count of Offender of any age cause/incite a boy under 13 to engage in sexual activity- penetration – contrary to the Sexual Offences Act 2003.

The panel noted that Mr Kerr pleaded guilty to the offences.

In respect of the allegations, Mr Kerr was sentenced to a total of 15 years imprisonment including a 3-year extension, and was required to sign the sex offenders register indefinitely.

The panel therefore found allegations 1 to 6 proved.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Kerr in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Kerr 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviour involved in committing the offences could have had, (and indeed did have), an impact on the safety of pupils and members of the public, particularly in circumstances where the judge in sentencing considered that Mr Kerr, had

“an active sexual interest in children and have been willing to put the gratification of that sexual interest above everything else”.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Kerr’s behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. The panel was mindful that Mr Kerr would have received at least annual safeguarding training and so would have been acutely aware of this.

The panel noted that Mr Kerr’s behaviour ultimately led to a significant and lengthy sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Kerr’s actions were demonstrated by the Court’s sentence.

This was a case involving offences of sexual activity / sexual communication with a child / any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, which the Advice states are more likely to be considered relevant offences.

The panel further noted that in the statement of agreed facts, signed by Mr Kerr, he admitted the facts amounted to the conviction of relevant offences. Notwithstanding his admission the panel, having considered all the evidence before it, was satisfied on the evidence before it that Mr Kerr had been convicted of relevant offences.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Kerr’s ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel’s recommendation to the Secretary of State

Given the panel’s findings in respect of a conviction of relevant offences, 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; 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 Mr Kerr, which involved serious sexual misconduct involving a child over a sustained period, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Kerr. 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 Mr Kerr. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- 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);

- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- 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);
- a deep-seated attitude that leads to harmful behaviour; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

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.

There was no evidence that Mr Kerr's actions were not deliberate and in fact the panel considered the behaviour to be deliberate and intentional, noting that some of the offences had been committed following Mr Kerr's arrest.

There was no evidence that Mr Kerr was acting under extreme duress, and the panel found Mr Kerr's actions to be calculated and motivated.

There was no evidence that Mr Kerr demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. Even if this had been the case, the panel considered that the misconduct which Mr Kerr had been convicted of was so serious that this would not have materially impacted upon its decision.

The panel noted that there was no evidence of insight and remorse on the part of Mr Kerr.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would

unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Kerr of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Kerr. The very serious offences for which Mr Kerr had been convicted and which involved sexual misconduct with a child 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child / any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Kerr was responsible for a number of these behaviours, including serious sexual misconduct with a child under 13 over a sustained period of time.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Daniel Kerr should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Kerr 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...
- 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 Kerr 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 Mr Kerr fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they involve a conviction for the relevant offences of causing or inciting a boy under 13 to engage in sexual activity, taking and making indecent photographs or pseudo-photographs of children, causing a child under 13 to watch or look at a sexual act, and sexual assault of a male child under 13.

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 a relevant conviction, 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 Kerr, 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 that “the behaviour involved in committing the offences could have had, (and indeed did have), an impact on the safety of pupils and members of the public, particularly in circumstances where the judge in sentencing considered that Mr Kerr, had *“an active sexual interest in children and have been willing to put the gratification of that sexual interest above everything else”*.” A prohibition order would therefore prevent such a risk from being present in the future.

The panel has commented that “there was no evidence of insight and remorse on the part of Mr Kerr.” In my judgement, the lack of evidence of 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 Mr Kerr was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for sexual offences involving children that resulted in Mr Kerr being sentenced to 15 years in prison including a 3-year extension, 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 a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Kerr himself. The panel has commented, “There was no evidence that Mr Kerr demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”

A prohibition order would prevent Mr Kerr 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 seriousness of the sexual offences involving children for which Mr Kerr was convicted and received a lengthy prison sentence. The panel has said that "the public interest considerations outweighed the interests of Mr Kerr. The very serious offences for which Mr Kerr had been convicted and which involved sexual misconduct with a child was a significant factor in forming that opinion." I have also placed considerable weight on the panel's comments concerning the lack of evidence of insight or remorse.

I have given less weight in my consideration of sanction therefore to the contribution that Mr Kerr 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 evidence of 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 that no provision should be made for a review period.

I have considered the panel's comments:

"The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child / any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Kerr was responsible for a number of these behaviours, including serious sexual misconduct with a child under 13 over a sustained period of time.

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the offences for which Mr Kerr was convicted and the lack of evidence of insight and remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Daniel Kerr is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Kerr shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Kerr 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.

A handwritten signature in black ink, appearing to read 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 4 December 2024

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