



Teaching
Regulation
Agency

Mr Donal Donnelly: Professional conduct panel meeting outcome

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

August 2025

Contents

Introduction	3
Allegations	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	4
Findings of fact	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher: Mr Donal Donnelly

Teacher ref number: 0000469

Teacher date of birth: 17 March 1965

TRA reference: 23063

Date of determination: 15 August 2025

Former employer: Benton Park School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 15 August 2025 by way of a virtual meeting, to consider the case of Mr Donal Donnelly.

The panel members were Mr Peter Whitelock (lay panellist – in the chair), Mrs Anila Rai (teacher panellist) and Mrs Christine Cuncliffe (teacher panellist).

The legal adviser to the panel was Mr James Corrish 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 Donnelly that the allegations be considered without a hearing. Mr Donnelly 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; Cher Lyne Peh of Browne Jacobson LLP, Mr Donnelly or any representative for Mr Donnelly.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 22 April 2025.

It was alleged that Mr Donnelly was guilty of having been convicted of a relevant offence, whilst employed as a music teacher at Benton Park School, being:

1. 3 counts of making indecent photograph or pseudo-photograph of children on 22 November 2020 under the protection of Children Act 1978 s1(a)

Mr Donnelly admitted the allegation, including in that the offences for which he was convicted were relevant offences, as set out in the statement of agreed facts, signed by Mr Donnelly on 1 November 2024.

Summary of evidence

Documents

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

Section 1: Notice of referral and response – pages 4 to 19a

Section 2: Statement of agreed facts and presenting officer representations – pages 20 to 23

Section 3: TRA documents – pages 24 to 121

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

In the consideration of this case, the panel had regard to the Procedures.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Donnelly on 1 November 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

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

In advance of the meeting the TRA agreed to a request from Mr Donnelly for the allegation 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.

Mr Donnelly was a teacher employed to provide teaching services at Benton Park School from 17 January 2018 until 3 July 2023 when he was dismissed.

On 24 November 2023, Mr Donnelly was convicted at York Crown Court in Harrogate Magistrates' Court of 3 counts of making indecent photograph or pseudo-photograph of children on 22 November 2020 under the Protection of Children Act 1978.

Mr Donnelly was sentenced on 19 December 2023 to 8 months imprisonment, suspended for 12 months, 180 hours unpaid work, 20 days of rehabilitation activity, to be subject to a sexual harm prevention order for 5 years and to be placed on the sex offenders' register for 10 years.

Findings of fact

The findings of fact are as follows:

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

1. 3 counts of making indecent photograph or pseudo-photograph of children on 22 November 2020 under the protection of Children Act 1978 s1(a)

The panel noted that Mr Donnelly admitted these allegations in the statement of agreed facts signed by him on 1 November 2024.

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 considered a printout of the PNC record which it had been provided which detailed Mr Donnelly's convictions at the "North Yorkshire Magistrates" which referred to 3 separate counts of "*making indecent photograph or pseudo-photograph of children on 22/11/20 Protection of Children Act 1978 s. 1(a)*".

The panel was provided with the conviction certificate from York Crown Court in Harrogate Magistrates' Court which set out that on 24 November 2023, Mr Donnelly was convicted of 3 counts of making an indecent photograph of a child.

In respect of the conviction, the panel noted that Mr Donnelly was sentenced on 19 December 2023 to 8 months imprisonment, suspended for 12 months, 180 hours unpaid work, 20 rehabilitation days, sexual harm prevention order for 5 years and to be placed on the sex offenders register for 10 years.

The panel found allegation 1 proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the Advice.

The panel first considered whether the conduct of Mr Donnelly, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Donnelly 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
- 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 Mr Donnelly's actions were relevant to teaching, working with children and working in an education setting insofar as he had been found guilty of making indecent photographs or pseudo-photographs of a child.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of pupils and potentially other members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Donnelly's behaviour in committing the offences would affect

public confidence in the teaching profession including in a circumstance where Mr Donnelly were allowed to continue teaching.

The panel noted that Mr Donnelly's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed. The panel found these offences to be very serious.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning an offence of activities involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, which the Advice states is likely to be considered a relevant offence.

The panel found no material evidence of any mitigating circumstances in Mr Donnelly's case.

The panel also found that the seriousness of the offending behaviour that led to the conviction was clearly relevant to Mr Donnelly'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.

The panel found, in connection with all offences listed in the allegation it had found proven, that Mr Donnelly had been convicted of relevant offences.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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, the protection of other members of the public, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct.

In light of the panel's findings against Mr Donnelly, which involved his having made indecent photographs or pseudo-photographs of a child, 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 Donnelly were not treated with the utmost seriousness when regulating the conduct of the profession.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Donnelly in the profession.

The panel had very limited evidence of Mr Donnelly's abilities as an educator and the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Donnelly in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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

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;
- 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- 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 such activity, including one-off incidents;

- violation of the rights of pupils;

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. The panel was aware that mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel believed that Mr Donnelly's actions were deliberate.

The panel found no evidence to suggest that Mr Donnelly was acting under extreme duress, e.g. a physical threat or significant intimidation

The panel found no evidence to suggest that Mr Donnelly demonstrated exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. The panel had no evidence that the incident was out of character.

The panel found very limited evidence of insight or remorse on the part of Mr Donnelly though did take into account his statement in his response to the TRA's investigation that *"I hugely regret what I have done. I committed the offences at a very difficult time in my life and I am full of remorse at what I did. I am ensuring that I do all the rehabilitation activities necessary & serve my conviction in the most positive way I can"*.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Donnelly 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 Donnelly. His convictions which involved his having made indecent photographs or pseudo-photographs of a child were the 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. The panel found that the case type of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents was relevant here.

The Advice also indicates that there are certain other types of cases where 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.

None of the listed characteristics were engaged by the panel's findings.

The panel noted that these lists were not intended to be exhaustive and panels should consider each case on its individual merits taking into account all the circumstances involved.

The panel noted Mr Donnelly's statement of remorse as set out above. The panel remained concerned about the potential risk of repetition of the behaviours demonstrated by the conviction.

In addition, the panel noted that it had found that the Advice indicated that the public interest weighed in favour of not offering a review period. The panel also noted that these were serious offences involving children and that Mr Donnelly's actions as found proven were wholly incompatible with his working as a teacher.

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 provisions 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 the allegation 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 Donal Donnelly should be the subject of a prohibition order, with no provision for a review period.

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

The findings of misconduct are particularly serious as they include a finding of a conviction for making indecent photographs or pseudo-photographs of children, which resulted in a suspended custodial sentence.

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 Donnelly, 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 Mr Donnelly, which involved his having made indecent photographs or pseudo-photographs of a child, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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:

“The panel found very limited evidence of insight or remorse on the part of Mr Donnelly though did take into account his statement in his response to the TRA’s investigation that “I hugely regret what I have done. I committed the offences at a very difficult time in my life and I am full of remorse at what I did. I am ensuring that I do all the rehabilitation activities necessary & serve my conviction in the most positive way I can”.”

In my judgement, the lack of evidence 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:

“The panel considered that Mr Donnelly’s behaviour in committing the offences would affect public confidence in the teaching profession including in a circumstance where Mr Donnelly were allowed to continue teaching.”

I am particularly mindful of the finding of a conviction for making indecent images of children 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 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 Donnelly himself. The panel has commented:

“The panel found no evidence to suggest that Mr Donnelly demonstrated exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. The panel had no evidence that the incident was out of character.”

A prohibition order would prevent Mr Donnelly 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 offences involving indecent images of children, for which Mr Donnelly was convicted and received a suspended custodial sentence. The panel has said that the "behaviour involved in committing the offence could have had an impact on the safety and security of pupils and potentially other members of the public."

I have also placed considerable weight on the panel's findings concerning the very limited evidence of insight and remorse on the part of Mr Donnelly, and the potential risk that he would repeat the behaviours.

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

I have considered the panel's comments:

"The panel noted Mr Donnelly's statement of remorse as set out above. The panel remained concerned about the potential risk of repetition of the behaviours demonstrated by the conviction.

In addition, the panel noted that it had found that the Advice indicated that the public interest weighed in favour of not offering a review period. The panel also noted that these were serious offences involving children and that Mr Donnelly's actions as found proven were wholly incompatible with his working as a teacher."

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 of which Mr Donnelly was convicted and received a suspended custodial sentence, the lack of evidence of full insight and remorse, and the risk of repetition.

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 Donal Donnelly 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 allegation found proved against him, I have decided that Mr Donnelly 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 Donnelly has a right of appeal to 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', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 20 August 2025

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