



Teaching
Regulation
Agency

Mr Christopher McPhilemy: Professional conduct panel hearing outcome

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

March 2026

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

Teacher:	Mr Christopher McPhilemy
Teacher ref number:	240285
Teacher date of birth:	5 March 1979
TRA reference:	22990
Date of determination:	6 March 2026
Former employer:	Our Lady of Victories RC Primary school, Kensington and Chelsea

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 2 March 2026 to 6 March 2026 by way of a virtual hearing, to consider the case of Mr Christopher McPhilemy.

The panel members were Ms Patricia Hunt (teacher panellist – in the chair), Mr Sam Jones (teacher panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Mr James Corrish of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr McPhilemy was present and was represented by Mr Andrew Faux of the Reflective Law Practice.

The hearing took place in public save for those parts which were heard in private and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 8 December 2025.

It was alleged that Mr McPhilemy was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst working as headteacher at Our Lady of Victories Catholic Primary school (“the school”):

1. Between 1 June 2020 and 12 July 2023, he used the school credit card for his own personal use and/or did not account for all of his expenditure on the school credit card.
2. Between 2022 and 2023, he did not ensure records were kept of and/or accessible records were kept of:
 - a) safeguarding concerns, including in relation to Pupil A; and/or
 - b) staff employment documents and/or records.
3. Between 2016 and 2023, in respect of pupil records he did not ensure that all records were transferred to new schools and/or he requested that hard copy records for pupils be shredded once pupils left.
4. His conduct at paragraph 1 above was:
 - a) Dishonest; and/or
 - b) Demonstrated a lack of integrity.

Mr McPhilemy admitted the factual basis of allegation 1 but denied allegation 4.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 5 to 6

Section 2: Notice of Hearing and response – pages 7 to 14

Section 3: TRA witness statements – pages 15 to 40

Section 4: TRA documents – pages 41 to 696

Section 5: Teacher documents – pages 697 to 770

In addition, the panel agreed to accept the following:

- 1) Safeguarding and Child Protection Audit Report Our Lady Of Victories Primary school.
- 2) Our Lady of Victories Primary school Safeguarding Information – page 771 to 776.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and read the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

Witness A – [REDACTED]

Witness B – [REDACTED]

Witness C – [REDACTED]

Witness D – [REDACTED]

In addition, Mr McPhilemy was present at the hearing and therefore gave oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2016, Mr McPhilemy commenced employment as headteacher at the school.

On 25 July 2023, [REDACTED] received a letter, purportedly from several unnamed staff, raising serious concerns about Mr McPhilemy.

On 21 August 2023, the governors of the school commissioned an independent investigation into the concerns raised.

Mr McPhilemy was suspended from duties for the duration of the investigation.

On 18 September 2023, new concerns were raised by the [REDACTED] regarding alleged unaccounted for expenditure on the school's credit card which was assigned to Mr McPhilemy. This expanded the scope of the school's investigation.

The police contacted the school about safeguarding records relating to a former pupil (Pupil A) in respect of which the school had found limited records.

On 26 September 2023, a further investigatory meeting was held with Mr McPhilemy.

In October 2023, alleged concerns regarding staff and pupil record-keeping were added to the investigation.

Between 10 to 12 October 2023, Mr McPhilemy transferred a total of £9,870.49 to the school, in respect of payments made on the school credit card assigned to him.

On 9 November 2023, a disciplinary hearing was held by the governing body. Mr McPhilemy's employment ended on the same date.

On 11 January 2024, the governing body formally referred the case to the TRA.

Findings of fact

The findings of fact are as follows:

In respect of all the allegations, the panel scrutinised the oral and written witness evidence and exhibits of all five witnesses who attended the hearing.

The panel also carefully scrutinised the entire bundle and the additional documents which it had agreed to admit.

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

- 1. Between 1 June 2020 and 12 July 2023, you used the school credit card for your own personal use and/or did not account for all of your expenditure on the school credit card.**

The panel noted that Mr McPhilemy admitted the factual basis of allegation 1 but denied allegation 4.

The panel found that it was not contested that Mr McPhilemy and the [REDACTED] had been issued school credit cards as part of an offer from Barclays Bank on the school changing banking provider.

The panel considered a spreadsheet which it had been provided with which referenced alleged expenditure between 2 September 2019 and 14 July 2023. It was revealed in

evidence that this spreadsheet had been compiled by Witness A, [REDACTED], as part of his investigations into spending on the school credit card.

The spreadsheet referred to a total of £4,612.50 spent on an Oyster card and on specific rail travel. The panel noted that a large number of these transactions occurred in the period between 1 June 2020 and 12 July 2023.

The spreadsheet separately listed purchases with Amazon and other suppliers totalling £16,758.03 including a large number in the period between 1 June 2020 and 12 July 2023.

The panel considered a series of annotated purchase receipts dated 1 June 2020 to 11 July 2023. The receipts covered an extensive range of expenditure on the school's credit card and included purchases from Amazon, eBay, Sainsbury's/Argos, Oyster/Greater Anglia, and a range of suppliers.

The panel noted that the items purchased were wide ranging and included educational materials, IT items, art resources, household items and electronic devices. The panel understood that these receipts had been provided by Mr McPhilemy to the [REDACTED].

The panel observed that many receipts produced by Mr McPhilemy were screenshots from his personal Amazon account, and that he had annotated these receipts to distinguish between items he said were for school use and items he said were for personal use. Within the receipts bundle, there were transactions which he described as "*mistake purchases*". There were a number of items in respect of which Mr McPhilemy stated he could no longer locate the relevant documentation.

The panel considered the oral evidence and written statement of Witness A who had conducted the investigation into the issues raised concerning Mr McPhilemy.

Witness A provided that the school credit card was set up via direct debit, meaning that every month the credit card was paid off, regardless of whether the school had any receipts for the purchases made. Witness A set out that Witness B, [REDACTED], had confirmed to him that she did not review the statements regularly, and never received any invoices or receipts for the expenditure. The panel noted that this was consistent with the live evidence of Witness B who stated she requested those statements from Mr McPhilemy. The panel noted that Mr McPhilemy denied to the panel that he received such statements and denied Witness B had chased him for them. Mr McPhilemy stated that the statements would be delivered to the school and have had "*Barclays*" on the face of the envelope and that all financial correspondence was received by Witness B. The witnesses appeared at odds on these matters.

Witness A referred to a Financial Review Report prepared by [REDACTED], which recorded that "*The total spend on credit card over the 41 months was £56,196.84. Of this, £29,317.50 (52%) has supporting credit card statements to show the type of spend,*

however, for the remaining £26,879.34 no evidence of this spend has been provided. That review further concluded that the total spend of £56,196.84 had “*no clear audit trail*” and that it was “*not possible to determine with any clarity what the credit card spend was on,*” with the use of the card seemingly taking place in the absence of any due diligence, policy, or authorised process.

Witness A recorded that Mr McPhilemy had confirmed that the Amazon account used for purchasing a large number of the referenced items was a personal account of Mr McPhilemy’s, and that Mr McPhilemy had stated the personal expenditure had been a mistake as a result of oversight and lack of attention to detail.

Witness A referred to correspondence from Individual B to Witness A of 18 December 2020. The panel had sight of and considered the series of e-mails between the two of them. One such e-mail stated to Mr McPhilemy that “*in order to assist with your travel expenses, we are awarding you a one off lump sum payment of £1200*”.

Mr McPhilemy had gone on to request “*remuneration of the full annual season ticket*” in his e-mail of 20 December 2020. This was declined by Individual B who confirmed “*As things stand we believe that the amount we can offer toward your travel costs is prudent given the current situation.*”.

Witness A confirmed that on 10 October 2023 Mr McPhilemy transferred £4,612.50 for his personal travel expenditure paid with the school’s credit card and on 12 October 2023, Mr McPhilemy transferred £5,257.99 to the school for the personal purchases made with the school’s credit card.

The panel considered the notes of the investigation meeting with Mr McPhilemy of 26 September 2023.

In this Mr McPhilemy was recorded as stating that the credit card used was accounted for “*through the statements,*” and that the card was not registered to his home address. When told that credit-card expenditure fell broadly into three categories, Oyster/Greater Anglia, Sainsbury’s/Argos, and Amazon, and that the school had no Amazon receipts over four years, Mr McPhilemy is recorded as stating “*I can get you receipts for all that, it was all things for the school*”. The panel noted that Mr McPhilemy proceeded to provide a large number of receipts.

When it was suggested to Mr McPhilemy that auditors would expect receipts and invoices, he acknowledged “*there was no procedure in place, and I accept that there should have been... I agree that there was no system for keeping records*”.

When questioned about £1,784.60 in Oyster top-ups and train tickets from the credit card statements Witness A had at the time, Mr McPhilemy was recorded as saying that when he started in his role he was given an Addison Lee card and a travelcard because the previous headteacher had these, and he accepted those in “*good faith.*” He said he

originally cycled to work and would not use them, but, when he later moved out of [REDACTED], he asked whether the governors would pay for travel. He said the governors refused and he accepted that decision.

When it was put to him that despite that refusal he had continued to claim Greater Anglia and Oyster travel through the school credit card, he said: *"I have no idea how that happened. I accept it happened, because I can see it here"*.

The panel considered the oral and written evidence of Mr McPhilemy. Mr McPhilemy accepted that some personal transactions were made on the school credit card that should not have been.

Mr McPhilemy expressed that these transactions were sporadic and made as a result of human error, including given the various work and personal pressures on him, and upon these being brought to his attention he apologised for the error and reimbursed the school immediately.

Mr McPhilemy submitted that almost all expenditure on the school credit card was for legitimate school-related purposes and that he accepted he failed to set up an acceptable accounting system for his use of the credit card and did not maintain sufficiently robust records.

In relation to various items purchased, including those which the panel had seen evidenced in the bundle, Mr McPhilemy provided that, because both his personal credit card and the school credit card were saved on his Amazon account, there were instances where the incorrect card was used. He identified examples of where personal items were mistakenly charged to the school card and, conversely, school items were mistakenly charged to his personal card.

Mr McPhilemy stated that to provide complete reassurance that no public funds were misused, he reimbursed the school for the full value of all unreceipted purchases, even though he believed that the vast majority of those unreceipted purchases were for school use.

In respect of travel expenditure, Mr McPhilemy provided that when he joined the school he was provided with an Addison Lee card and an Oyster card and was informed by the [REDACTED] that these were for inner London travel allowance and that staff working in Inner London had a travel allowance. He stated that he relied on this assurance in good faith and in oral evidence appeared to provide that the funding of his Oyster card related to his use of that allowance. Mr McPhilemy did not though suggest that such payments had been expensed or dealt with via any formal process.

Mr McPhilemy stated that some rail travel transactions were charged to the school credit card in error. He stated that these transactions were sporadic and limited, not continuous, and a number had been charged [REDACTED].

Mr McPhilemy provided in his written evidence that the school credit card had been mistakenly linked to his Apple Pay account, and when purchasing rail tickets via an app, he inadvertently selected the incorrect card.

Mr McPhilemy detailed that [REDACTED] at the beginning of his headship and that he *“had to run the school plus doing all the finances”* and that others were aware of this. Mr McPhilemy indicated in oral evidence that there were no payment procedures in place at the school and that rather, when anyone wished to purchase something for the school (including [REDACTED]) they would come to him and he would purchase it, including via his personal Amazon account. Mr McPhilemy was clear that his use of this Amazon account for personal and school use was a key part of what led to mistakes being made.

The panel also carefully considered the letter from Mr McPhilemy to Witness A at page 96 of the bundle and the detailed explanations provided there, which were consistent with Mr McPhilemy’s evidence to the panel. It also considered carefully the mitigating circumstances which Mr McPhilemy set out in that letter.

The panel carefully considered the evidence that it had before it.

The panel noted that Mr McPhilemy had admitted that he had used the school credit card for personal expenditure between 1 June 2020 and 12 July 2023, and that he had not accounted for this expenditure. The panel noted that these sums were only repaid after the payments came to light at the time of the school’s investigation. The panel noted that it also had extensive documentation detailing the payments which had been made.

The panel found allegation 1 proven on the balance of probabilities.

2. Between 2022 and 2023, you did not ensure records were kept of and/or accessible records were kept of:

a) Safeguarding concerns, including in relation to Pupil A; and/or

The panel considered the oral and written evidence of Witness D, [REDACTED] appointed during Mr McPhilemy’s suspension. The panel found Witness D to be a consistent and credible witness. Witness D provided that upon her commencing her position at the school, it was instantly clear that policies and practice were an issue at the school, and that she was most concerned about the safeguarding and health and safety policies.

Witness D stated that she was told by the [REDACTED], Individual C, that there were no safeguarding issues within the school but that in her first term in the role, she spent a significant amount of time speaking with social services, and it was abundantly clear to her that there was a lot of social need at the school. She noted that nothing had been rigorously recorded or followed up on.

Witness D stated that CPOMS, the safeguarding reporting software, had been in operation at the school, but it was a new system and was not being well used, and some members of staff did not have a log in for the system. She stated that there was no list or information available anywhere about which pupils needed safeguarding, and therefore she could not establish who had any needs or required any protection.

Witness D provided that safeguarding records should be kept for at least twenty-five years, and they should follow the pupil to every school they join. She provided that the headteacher is responsible for ensuring the correct procedures are followed with respect to making and keeping safeguarding records.

Witness D set out that on 27 September 2023, the school was contacted by the police who were undertaking an investigation into a safeguarding matter which involved a criminal case which was about to go to court involving [REDACTED].

Witness D gave evidence that only very limited safeguarding records could be located in respect of Pupil A and very few records had been maintained at the time of the case. Some records were found regarding this pupil but this required searches of various systems.

Witness D stated that although there were records of a teacher reporting a behaviour incident, no records could be found of what the outcome was, and it was difficult to track what action was taken as a result of the school being notified previously about the safeguarding concerns.

She also stated that although notes were gathered from online and within folders, which indicated that the school was aware of a Section 47 investigation, no notes of these meetings or information about this could be found in the school's safeguarding records. The panel found this particularly concerning given its awareness of the seriousness of a section 47 investigation.

In addition, Witness D could not locate any evidence of any contact between the school and external services, and this was a “*massive concern*”, as they could not establish what, if any, action the school had taken in respect of this pupil.

The panel also noted that Witness D was stated as saying in undated interview notes taken during the school's investigation that “*I have great concerns about the school and I believe it is fortunate that there has not been a serious incident. In regard to Safeguarding and Health and Safety there are serious concerns. I am an [REDACTED] and I think it likely that if the school were inspected today that an Inadequate judgment would be likely because of failures of policy and implementation in these key areas*”.

The panel considered the notes of a meeting with Individual C dated 13 October 2023, who said she was aware that “*there was a search a couple of weeks ago for some safeguarding records.*” She explained that she did not know where safeguarding records

would be kept and *“assumed they would be with the DSL.”* She confirmed that she searched *“all the information the previous deputy and DSL had handed to [her],”* but found *“nothing related to this matter.”* She added that she now understood that *“more recently such matters would be stored on CPOMS,”* but she did not know the previous system for safeguarding record-keeping. The panel accepted that this evidence was hearsay but after careful consideration placed some weight on it as a contemporary record.

The panel considered the oral evidence and written statement of Witness C, who stated she did not *“recall any safeguarding records being kept.”* She claimed that although the school had annual safeguarding training, she was *“not aware of any safeguarding issues being brought to anybody’s attention whilst [Mr McPhilemy] was headteacher.”* She believed the practice was that safeguarding concerns should be reported directly to Mr McPhilemy or the [REDACTED], who were the safeguarding leads.

The panel considered the oral and written evidence of Mr McPhilemy. Mr McPhilemy accepted that as headteacher he had ultimate accountability for record keeping however, he relied on a trusted and competent team working alongside him to carry out their own duties and responsibilities. Mr McPhilemy stated (and the panel noted it was not disputed) that he was not the designated safeguarding lead (DSL) at the school. There were two DSLs at the relevant time - the [REDACTED] and the [REDACTED].

Mr McPhilemy provided that all safeguarding files were held and managed by the DSL, Individual D, who was also the [REDACTED] and that there was an implied and accepted delegation of responsibility for the management and administration of safeguarding records to that DSL. Mr McPhilemy’s evidence was that safeguarding records were stored on CPOMs, which had been introduced the previous year as well as in a cupboard in Individual D’s office. He also gave evidence that some safeguarding information would be contained on Individual D’s IT system/e-mails.

Mr McPhilemy provided that since he had no access to the school following his suspension, he did not know who accessed these areas or handled files during that period.

The panel noted and carefully considered the document entitled Safeguarding and Child Protection Audit Report of Lady of Victories Primary school seemingly authored by Individual E, [REDACTED], and stated to be based on visits to the school on 4 November 2022 and 23 November 2022 including meetings with Individual D and Mr McPhilemy. The panel noted that this document appeared to provide that at that point in time the safeguarding practices at the school were effective and the Single Central Record (“SCR”) met all requirements.

The panel carefully considered the evidence before it. The panel found it evidenced that some safeguarding records had been kept, it noted that CPOMS had been active at the

time, albeit that its use had been limited, and that some physical documents had been ultimately identified in respect Pupil A.

The panel noted that Mr McPhilemy was not the DSL and that he had delegated safeguarding responsibility to Individual D.

The panel also noted that the evidence was that Individual D left the school in the summer of [REDACTED] and Mr McPhilemy told the panel that there had been a period of handover to Individual C which he had sought to facilitate.

The panel noted though that Mr McPhilemy accepted his ultimate responsibility for safeguarding records. Whilst the panel accepted that some records were kept, the panel was highly concerned that they did not appear to be clearly stored in an accessible location and considered that it was Mr McPhilemy's responsibility to ensure this.

The panel particularly noted Mr McPhilemy's position that some such records could have been within Individual D's e-mail which the panel did not consider to be an accessible location in any event even before her departure, and leaving aside the fact that her e-mail account had subsequently been closed.

The panel noted with some concern that Individual C, with whom it understood Mr McPhilemy to say he had worked to assist in the transfer of the departing Individual D's safeguarding duties, stated that she had reviewed "*all the information the previous deputy and DSL had handed to me,*" but found "*nothing related to this matter.*" (*relating to Pupil A*) and that she understood that "*more recently such matters would be stored on CPOMS,*" but she did not know the previous system for safeguarding record-keeping. The panel felt that Individual C's ignorance of the "previous system", i.e. (seemingly) the system by which all safeguarding matters prior to CPOMS implementation were held, reflected a failure on Mr McPhilemy's part, including during this important transition with the [REDACTED] of the DSL, to ensure that accessible records were kept.

The panel noted that repeatedly in his oral evidence when questioned about Pupil A Mr McPhilemy asked why the school had not approached him or Individual D about the matter as it concerned the safety of a child. Whilst, in practical terms, the panel had some sympathy with that view, the panel also felt that this further emphasised a failure to ensure accessible records were kept of safeguarding concerns noting in particular that Individual D was due to leave anyway and therefore that, regardless of whether Mr McPhilemy was in the office, the staff, including the new DSL, should have known where to find complete records.

In addition, the panel noted that the complete records of Pupil A could not be found.

The panel considered that Mr McPhilemy would have been well aware, including given his experience and qualifications, of the vital importance of retaining accurate and accessible safeguarding records in a school and that, even given that he had delegated

responsibilities to the DSL, it was incumbent on him to check and ensure that robust systems were in place, even more so at a time when he was aware that the DSL was changing.

Whilst noting that the CPOMS system was active in the school, it had only been in place for a year and it appeared clear from the evidence that Mr McPhilemy himself had not sufficiently checked where the safeguarding records were held and the panel viewed this as the least which could be expected of him.

Whilst noting that the allegation referred to 2022 and 2023 the panel considered that this referred to Mr McPhilemy's responsibility to ensure the accessibility for all safeguarding records in that period and until a child was 25, including records which pre-dated this period, as the panel understood may have been the case in respect of Pupil A (though it made no finding on the exact dates Pupil A had been at the school). It was clear on the evidence that at least the initial search of the records which Individual C had been "handed" by the departing DSL (i.e. seemingly the manual safeguarding record such as it was) yielded no results for Pupil A and this clearly illustrated a failure to ensure accessible records were kept.

The panel concluded that between 2022 and 2023, Mr McPhilemy had failed to ensure that accessible records were kept of safeguarding concerns, including in relation to Pupil A.

The panel found allegation 2(a) proven.

b) Staff employment documents and/or records.

The panel considered the oral evidence and written statement of Witness B, who stated that she understood staff records were "*kept in Christopher McPhilemy's office.*" She described how, during the investigation, governors wished to see employment documentation for new staff but "*no one could locate any records.*" She confirmed that the headteacher's office was "*bare apart from a few personal items.*" She stated that the [REDACTED] authorised the filing cabinet in the headteacher's office to be forcibly opened, and that she, Individual C and Witness C's [REDACTED], carried this out. When opened, they found "*many empty files*" and that "*no files were found for any members of staff currently employed at the school.*" She took photographs of the contents which the panel saw. She further stated that later "*a few files for current staff members were found within the cabinet,*" although she did not know how these files came to be there.

The panel considered the oral evidence and written statement of Witness C, who stated that she understood staff records to include staff employment contracts and any grievances, complaints, or sick notes. Whilst Mr McPhilemy was headteacher she understood "*staff records were kept in his office in a filing cabinet.*" She did not know whether the cabinet was locked and confirmed she never accessed it.

Witness C stated in her investigatory meeting on 13 October 2023, that she told [REDACTED] that she *“had no idea where staff records were kept,”* because she did not know whether Mr McPhilemy had moved them from their previous location in the headteacher’s office. She explained that she never had cause to access staff records because she only kept sickness records, which were recorded online on SIMS.

She further stated that whenever a new member of staff was hired, she was instructed by Mr McPhilemy to photocopy the individual’s contract of employment, references, DBS check, and identification onto a USB memory stick, save the images, and return both the USB stick and the originals to Mr McPhilemy. She stated that she *“presumed that the original hard copies... were then filed into the filing cabinet in [his] office”*. It was clarified in evidence that Witness C was talking of original copies rather than original documents being kept.

The panel considered the oral evidence and written statement of Witness D, who explained that there is a clear expectation, which the headteacher was required to ensure, that staff employment documents and records are kept and maintained. These staff employment documents would include proof of employment documentation, including job application, job description, and references, contracts of employment, including any variations of contracts, any letters sent to staff, sickness records and disciplinary records.

Witness D explained that it was essential that all relevant staff employment documents are obtained and stored to ensure compliance with Part Three of Keeping Children Safe in Education (“KCSIE”), Safer Recruitment noting that paragraph 274 of KCSIE stated that *“[s]chools and colleges must maintain a single central record of pre-appointment checks [...] the single central record must cover the following people for schools, all staff”*.

Witness D explained that when she commenced her role as [REDACTED] at the school in September 2023, there were six other new members of staff commencing roles at the school, with only one teacher remaining who had completed the academic year in July 2023 and that she wanted to ensure that all the required checks had been completed. However, when she went to try to find any files or records, she could not find any, either digitally or physically. She therefore started to commence a more in-depth search to locate staff employment documents and records for all members of staff to ensure that the single central record was compliant with KCSIE and was extremely concerned to find that there were “massive gaps”.

Witness D stated that there was no clear system followed for the storage of these documents and records and that she spent a significant amount of time trying to find the required documents, however she could not find them all.

She set out that when she discovered there was little in the personnel files, she reached out to Mr McPhilemy and asked if he had anything he could share. Mr McPhilemy sent her an encrypted memory stick via registered post, including instructions on how to open the memory stick. This had some of the required documents, mostly employment contracts however, it did not include a full suite of required documents.

Witness D set out that an “*exhausting*” process of organising and completing the school’s SCR then commenced. Whilst there was a SCR in place, there were gaps on the records of new starters. She stated that she was given access to Mr McPhilemy’s email, and whilst she was able to locate some documents and records on there was still a significant amount missing. She stated that all six new members of staff commencing their roles had to re-supply their employment documentation so that this could be collated into their files and the SCR. She stated that she could not locate any offers of employment, and contracts were incredibly haphazard.

She noted a particular concern that one member of staff; Person A, had been employed as a [REDACTED] and she discovered that whilst she had a Postgraduate Certificate in Education (“PGCE”) she did not have Qualified Teacher Status (“QTS”), and therefore she should only have been employed as an unqualified teacher. During the intervening period of time, this teacher had sole responsibility for teaching a class, had no support put in place for her, and was being paid as a fully qualified teacher.

Witness D set out that another member of staff, Individual C, had been appointed as [REDACTED] around September 2022, however, there was no documentary evidence of this. Individual C had never been provided with a letter formally offering or appointing her to this position, and there was no employment documentation on file to evidence that this had occurred.

Witness D stated that she was able to locate employment documentation for the one teacher who had completed the previous academic year at the school, Individual F, who had been employed at the school since September [REDACTED]. This documentation was contained within a physical file in Mr McPhilemy’s filing cabinet. She stated however, that even in this case, there was limited documentation available. Specifically, she stated that there was no application form, and no references, proof of identification or right to work, no interview evidence nor certificates, and the contract of employment was not signed.

Witness D stated that it was clear to her that no procedure had been followed regarding the storage of staff employment documents and records. This was concerning for a multitude of reasons including that it was a requirement for all schools to have a complete and accurate SCR which evidences that KCSIE safer recruitment practices have been followed, as schools need to be able to cross reference this information with

other bodies, such as the local authority or Ofsted. Witness D stated it was of vital importance for ensuring that children are kept safe.

The panel noted records of a contemporary meeting with Individual C in which she recalled being asked for her recollections about staff and pupil files. She explained that she *“was not clear where staff files were kept,”*. She recounted that the school’s [REDACTED], Witness B, informed her she had permission from the [REDACTED] *“to forcibly open the filing cabinet where it was presumed the files would be,”* and that she was present when this occurred on 4th September 2023. Individual C confirmed that when the filing cabinet drawers were opened, *“there was very little there, just files for three or four staff. Most folders were empty.”* She was later told that *“a week later the files had mysteriously appeared back in the cabinet.”*

The panel considered the evidence of Mr McPhilemy. Mr McPhilemy provided that staff records were held electronically on SIMS and in paper form in a locked cupboard within the school office. He stated that the school secretary was responsible for scanning staff contracts and maintaining files.

Mr McPhilemy denied, to the extent it was alleged, that during his suspension he removed files from the cabinet and later replaced them noting he had no access to the school at that time.

Mr McPhilemy emphasised his cooperation with the process and his provision of the documentation from the TES portal to assist Witness D’s work. Mr McPhilemy stated in evidence that the SCR and its staffing documentation were up to date at the time he left and accessible and again referred the panel to the report regarding such processes of November 2022 which the panel had admitted into evidence and again considered.

The panel carefully considered the evidence. The panel found no evidence that Mr McPhilemy had re-entered the school on or after 4th September 2023 and no evidence that, to the extent that new files appeared within his office after that date, Mr McPhilemy had anything to do with that.

The panel did consider though on the balance of probabilities that it had been demonstrated that Mr McPhilemy took personal responsibility for the hard copy staff files.

The panel noted that there had been a large staff turnover that summer and that six new staff were due to arrive and noted Mr McPhilemy’s cooperation with Witness D in providing such documents as he could from the TES portal concerning those new teachers. It noted though that it was clear that a substantial number of documents should have been present and filed for these individuals on the school’s premises and that no records could be found for them, or for a number of previous and existing staff.

The panel noted the school's obligations under KCSIE including to maintain the SCR and considered it was demonstrated on the evidence that Mr McPhilemy had not done so, at least on or around the summer term of 2023.

The panel was concerned that, notwithstanding Mr McPhilemy's oral evidence of his level 5 safeguarding qualification and that he had been on a Safer Recruitment course, he appeared to demonstrate material lack of knowledge with regard to important matters including that the documentation he would have forwarded from the TES portal would have been just a fraction of the documentation and information which should have been in place for these six new staff who were due to start in September 2023.

The panel also noted with concern Mr McPhilemy's submission, that [REDACTED], would not need QTS before starting to teach, which was, from its knowledge, entirely wrong.

The panel was satisfied that, to the standard the balance of probabilities, between 2022 and 2023, Mr McPhilemy did not ensure records were kept of and/or accessible records were kept of staff employment documents and/or records.

The panel found allegation 2(b) proven.

3. Between 2016 and 2023, in respect of pupil records you did not ensure that all records were transferred to new schools and/or you requested that hard copy records for pupils be shredded once pupils left.

The panel considered the oral evidence and written statement of Witness B, who stated that pupil files had *"always been kept within the school's office in a locked cupboard"* and that physical files (including application forms, sickness notes, reports and contact information) were posted each year to receiving schools. She stated that all information relating to each pupil is stored on the SIMS, such as their personal information, when they joined the school, any special educational needs, contact details, attendance, their assessment results, and all general related information for the pupil.

At the end of the academic year, all information stored on the SIMS is sent by Common Transfer File ("CTF") to the receiving school. She stated that when the headteacher started, he asked *"why we were sending the physical files"* due to postage cost and instructed that the school should *"keep the physical records whilst the pupil was at the school and then shred these records once the pupil left the school"*. It transpired in evidence that Witness B gleaned this information from Witness C.

The panel considered the oral evidence and written statement of Witness C, who stated that all hard copy pupil records were kept in a locked cabinet in the school office and that each pupil had their own folder containing application forms, correspondence, sickness notes and other documents. She confirmed that digital pupil information was stored on

SIMS and included “*the unique pupil number, class registers, pupil results, any medical issues and information, parental contact information and details.*” She clarified that the documents kept in the cabinet were not scanned into SIMS; only key information like address and date of birth was manually entered.

Witness C confirmed that, when a pupil left, the CTF, which contained all SIMS-stored information, was sent to the next school. She stated in her written evidence that Mr McPhilemy instructed her “*to shred the physical pupil records once they left the school,*” but the panel noted that her oral evidence was entirely inconsistent with this and, instead, referred to solely one occasion where Mr McPhilemy had suggested, rather than instructed, that a bag of documents she had on the floor next to her desk could be shredded.

The panel carefully considered the evidence. The panel did not feel that it had been demonstrated to the required standard that between 2016 and 2023, in respect of pupil records Mr McPhilemy did not ensure that all records were transferred to new schools and noted Mr McPhilemy’s position that he considered that all relevant information had been sent including via the CTF.

The panel found that it simply had no evidence at all that Mr McPhilemy requested that hard copy records for pupils be shredded once pupils left.

The panel found allegation 3 not proven.

4. His conduct at paragraph 1 above was:

a) Dishonest;

b) Demonstrated a lack of integrity.

The panel considered whether Mr McPhilemy had acted dishonestly. In doing so, the panel applied the test set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords*.

The panel first considered Mr McPhilemy’s actual knowledge or belief as to the facts.

The panel noted that Mr McPhilemy’s position in oral evidence was that any personal transaction on the school’s credit card had been made by mistake with the exception of the top-ups of the Oyster card which he now appeared to indicate had been intentionally processed via that credit card due to his understanding that he was entitled to free inner London travel. Mr McPhilemy denied that any action of his was dishonest or lacking integrity.

The panel, noting its legal advice in this regard and the teacher’s representative’s submissions, carefully considered all evidence it had of Mr McPhilemy’s character including, without limitation, his position as a headteacher, his experience and the

evidence of [REDACTED]. The panel kept these factors in mind in its deliberations as to whether or not Mr McPhilemy had been intentionally dishonest by his actions as found proven.

The panel noted that it had found extensive evidence showing that the school credit card had been used by Mr McPhilemy over the relevant period for personal travel and for purchases made through his own Amazon account and on other platforms.

The panel reminded itself that it had identified a total of £4,612.50 refunded in respect of travel expenditure paid with the school's credit card and £5,257.99 refunded in respect of Amazon and other payments.

The panel noted that Mr McPhilemy was an experienced headteacher with financial training. The panel considered it to be entirely implausible that Mr McPhilemy would not have been aware of the need for transparent and detailed accounting surrounding use of a credit card associated with the school and noted indeed that he now acknowledged his failings in that regard.

Whilst making no finding as to whether or not Mr McPhilemy received or did not receive the credit card statements which outlined his spending the panel noted that it was uncontested that there had been no reconciliation of any nature of these statements during the relevant period and that the credit card accounts had simply been paid automatically as expenses.

Whilst taking into account and considering Mr McPhilemy's evidence in relation to the detailed pressures upon him at this time both personally and professionally the panel did not accept that it was plausible that Mr McPhilemy could have been entirely unaware at the time that at least some personal and travel transactions had been recorded on the school's credit card over that period. This being the case the panel considered it was clearly and unquestionably incumbent on him to ensure that any such payments were immediately repaid by him the first time he became aware of this occurring. The panel noted that he had not made any such attempt nor did he appear to have raised the issue at all until effectively being compelled to do so as a result of the investigatory process.

The panel were particularly concerned with the ambiguity around the repeated purchase of rail tickets via Apple pay in respect of which Mr McPhilemy's evidence was inconsistent.

In his witness statement Mr McPhilemy stated that the school credit card had been mistakenly linked to his Apple Pay account, and when purchasing rail tickets via an app, he inadvertently selected the incorrect card. In his oral evidence however, he appeared to suggest that these costs were incurred when tapping in on entry to the ticket gates to travel using Apple Pay. The panel noted that in any event, and even on Mr McPhilemy's evidence, a card would have to be selected and the panel simply did not find it plausible

that Mr McPhilemy' could have repeatedly selected the school's credit card as opposed to his own private credit card without even once realising his error.

The panel also did not find plausible Mr McPhilemy's position that the school's credit card had somehow mistakenly linked to his Apple Pay account considering that there would have to be some manner of action on his part to input the details into that account.

The panel further noted that, regardless of who received the credit card statements, Mr McPhilemy appeared never to have made any attempt to reconcile his spending and noted the [REDACTED]'s evidence that she repeatedly asked him for these statements and he did not provide them. The panel also noted though that Mr McPhilemy denied this and submitted that [REDACTED] alone received these statements.

The panel noted that Mr McPhilemy's position was that the sums which he had placed on the Oyster card were sums which he was proceeding to use for inner London travel and that his position was that this was a continuation of a benefit which he had been granted on arrival at the school. The panel was nevertheless of the view that the school's position on such payments was, even taken at its best, ambiguous following on from the correspondence between him and the school of December 2020 it would have expected him to, at least, have clarified the position with the Governors. The panel noted that his failure to do so was directly coupled with his decision to effectively spend money for this asserted benefit on the school's card without any attempt at keeping records, without seeking authorisation or conducting reconciliation of the school's accounts. The panel further noted that these payments were occurring in the same period that substantial and continued payments were being made in respect of rail journeys which Mr McPhilemy fully acknowledged he had no proper basis to incur (albeit that he asserted this was by mistake).

The panel noted that Mr McPhilemy sat on the Finance Committee and worked on preparing budgets and management accounts for the school though noted, to its surprise, that his oral evidence was that he had never seen the Financial Procedure Manual. The panel considered that Mr McPhilemy would be aware that payments on the school's credit card were effectively payment of public money given the manner in which that card was automatically paid and that he would need to be exceptionally careful in his use of the card and keep detailed records.

In relation to the Amazon spending the panel again did not consider it plausible that such a large amount of spending could have been mistakenly spent on the school's credit card account and noted that at least the details of the paying card would have been viewed by Mr McPhilemy each time he confirmed a transaction. The panel again did not consider it plausible that Mr McPhilemy could have made so many mistakes without once becoming conscious or aware that a personal transaction had been processed through the school's credit card and therefore that he had an urgent obligation to repay the debt. The panel noted that there was no suggestion in Mr McPhilemy's evidence or otherwise that he had

ever raised any such issue or sought to rectify any of his asserted mistakes prior to October 2023.

The panel accepted that Mr McPhilemy's evidence was that some of the sums which he had chosen to repay in October 2023 were simply transactions he believed were likely school transactions but for which he had no receipt and that some of the transactions represented topping up of his Oyster card in respect of sums he considered he was entitled to claim, as set out above.

The panel noted though that it was uncontested that there were a large number of transactions (including all of the non-oyster rail transactions) that Mr McPhilemy undeniably had no proper basis to incur.

The panel reminded itself then that it had extensive evidence showing that the school credit card had been used by Mr McPhilemy over several years for personal travel and for purchases made through his own Amazon account and other websites.

The panel was satisfied from the above and from the matters which it had found proven in allegation 1 that Mr McPhilemy was more likely than not to be aware that some, or all, of the transactions he was making were personal in nature, that the credit card was being used in a way that could not be justifiable, that he knew was unauthorised and that he knew was dishonest.

The panel then considered whether Mr McPhilemy's conduct would be regarded as dishonest by the standards of ordinary decent people. The panel was satisfied that ordinary decent people would view as dishonest a headteacher using a school credit card to fund personal travel and other personal purchases.

The panel therefore concluded that Mr McPhilemy's conduct, as found proved in relation to allegation 1, was dishonest.

The panel then considered whether Mr McPhilemy's conduct demonstrated a lack of integrity. In doing so, the panel had regard to the principles set out in *Wingate & Anor v The Solicitors Regulation Authority* and was mindful that professionals are not expected to be "*paragons of virtue*".

The panel considered that repeatedly and dishonestly charging personal travel and other expenditure to a school credit card over several years and failing to maintain receipts or any audit trail or attempting any reconciliation of the payments, were actions that fall significantly below the standards expected of a teacher and a headteacher responsible for the financial management and stewardship of public money. The panel noted in this regard that the headteacher has a central role in compliance with financial procedures, integrity of expenditure, and the safeguarding of school resources, and that there could be no explanation that Mr McPhilemy had not been fully aware of the importance of these duties.

The panel therefore found that Mr McPhilemy's conduct, as found proved in relation to allegation 1, was both dishonest and demonstrated a lack of integrity. Allegations 4(a) and 4(b) were therefore found proved.

Findings as 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 proved allegations amounted to unacceptable professional conduct.

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 McPhilemy, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr McPhilemy 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 was satisfied that the conduct of Mr McPhilemy, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE") in particular paragraphs 230, 268, 269, 270 and 271.

The panel also considered whether Mr McPhilemy'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 the offence type of fraud or serious dishonesty was relevant.

The panel also considered whether there were any mitigating circumstances. The panel took account of [REDACTED] and the impact that this would inevitably have had on him.

[REDACTED].

[REDACTED], the panel noted that this was a period outside of the period of time to which the allegations related and therefore did not consider it relevant for the purposes of its determinations.

The panel noted that it found proven that Mr McPhilemy, during a period of approaching 2 years, dishonestly and with a lack of integrity had charged personal expenses to his school credit card and made no attempts to reconcile or reimburse any such payment. The panel further noted that it had found that Mr McPhilemy had failed to ensure that accessible records were kept with regard to safeguarding concerns or that proper records were kept with staff employment documents and/or records. The panel considered that maintenance of up-to-date staff documentation and records including the SCR were also vital components of safeguarding. The panel considered that Mr McPhilemy's failures to follow statutory guidance and statutory procedures potentially put children's welfare at risk.

The panel noted that although parts of the activities described by Allegation 1 took place outside the classroom teaching environment, the conduct occurred within Mr McPhilemy's role as headteacher and directly related to his professional responsibilities. The panel considered that his dishonest misuse of school finances had a direct bearing on the way he fulfilled his role.

For the above reasons, the panel was satisfied that the conduct of Mr McPhilemy amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr McPhilemy was guilty of unacceptable professional conduct.

In relation to whether Mr McPhilemy's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

In considering the issue of disrepute, the panel also considered whether Mr McPhilemy's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr McPhilemy was guilty of unacceptable professional conduct, the Panel found the offence type of fraud or serious dishonesty was relevant.

The findings of misconduct are serious, and the panel considered the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that the public would consider public funds being dishonestly misused in the way that it had determined that Mr McPhilemy had done to be wholly unacceptable. Likewise the panel considered that Mr McPhilemy's repeated failures to ensure appropriate procedures relating to safeguarding were followed at the school would be of extremely serious concern.

The panel considered that Mr McPhilemy conduct could potentially damage the public's perception of a teacher and teaching generally.

For these reasons, the panel found that Mr McPhilemy's actions constituted 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 namely: the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct.

In the light of the panel's findings against Mr McPhilemy, which involved his prolonged and dishonest misuse of the school's credit card and his failure to ensure accessible safeguarding and staff records were properly maintained there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr McPhilemy 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 McPhilemy 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 McPhilemy in the profession. The panel had only limited information in relation to Mr McPhilemy's abilities as a teacher and the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr McPhilemy in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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 McPhilemy.

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;
- abuse of position or trust [...];
- 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,

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.

In the light of the panel's findings, the panel considered whether any of the mitigating factors set out in the Advice were present.

The panel had found that Mr McPhilemy's actions were deliberate.

The panel noted that there was no evidence to suggest that Mr McPhilemy was acting under extreme duress at the time of the misconduct.

The panel considered whether Mr McPhilemy had a previously good record. The panel noted that although there was no evidence of prior formal warnings or disciplinary action, there was also no evidence before it of exceptionally high standards in personal or

professional conduct, nor evidence that Mr McPhilemy had made an outstanding or significant contribution to the education sector.

The panel noted the detailed evidence given by Mr McPhilemy with regard to his personal circumstances at the time. [REDACTED]. Whilst the panel did not consider these matters excused the behaviour which it had found proven, it did lead it to believe there may be some contributory factors as to why Mr McPhilemy's judgement may not have been sound at the time. The panel had no evidence either way as to whether the misconduct was out of character.

The panel considered whether Mr McPhilemy had demonstrated insight or remorse. The panel noted that he had repaid the sums identified during the internal investigation. [REDACTED].

The panel considered the character reference provided on behalf of Mr McPhilemy. The panel had sight of a detailed statement from:

- [REDACTED]

The panel noted the following comments about Mr McPhilemy in particular:

- *"an exceptionally kind, patient and emotionally present [REDACTED]"*
- *"professionally... the same compassion, integrity and sense of responsibility reflected in his work as a headteacher"*
- *"education is not simply his profession; it is central to his identity and sense of moral purpose"*
- *"deeply principled and values-led"*
- *"leads with compassion, emotional intelligence and fairness"*
- *"a devoted, principled and exceptional educationalist"*
- *"warmth, respect and approachability... strong rapport with pupils and families"*
- *"the loss of Chris from the teaching profession would represent a profound and deeply felt loss... an educationalist who leads with humanity and ethical clarity"*

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 McPhilemy 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 McPhilemy. That the matters which it had found proven demonstrated a course of dishonest conduct over a period of time and a failure to carry out important safeguarding responsibilities which could have the potential to place children at risk were significant factors 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. None of the listed characteristics were engaged by the panel's findings

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. The panel found that the offence type of "*fraud or serious dishonesty*" was relevant given that its findings reflected a continued course of dishonest conduct in relation to the school's money over a period of time.

The panel again considered the matters which it had found proven. The panel considered that it had very limited evidence of insight or remorse from Mr McPhilemy and, whilst again carefully noting the personal and professional pressures that were on him at the time these events occurred, had seen no evidence of any efforts on his part to identify how such behaviour would be avoided in the future.

The panel recognised Mr McPhilemy's evidence as to the damage which this situation had had on him personally, the fact that he had not previously been subject to any disciplinary sanction and his long and successful career as well as his stated dedication to the teaching profession and to teaching generally.

Given the serious nature of the dishonesty findings which it had reached and the strong public interest considerations present including in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct within the profession the panel decided that the findings indicated a situation in which a longer review period would be appropriate. As such the panel decided that it would be

proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including allegation 3), and I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Christopher McPhilemy should be the subject of a prohibition order, with a review period of 5 years.

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

The findings of misconduct are particularly serious as they include a finding of dishonestly charging personal travel and other expenditure to a school credit card and also include a finding of failing to ensure accessible records were kept of safeguarding concerns.

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 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 McPhilemy, 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:

“The panel further noted that it had found that Mr McPhilemy had failed to ensure that accessible records were kept with regard to safeguarding concerns or that proper records were kept with staff employment documents and/or records. The panel considered that maintenance of up-to-date staff documentation and records including the SCR were also vital components of safeguarding. The panel considered that Mr McPhilemy’s failures to follow statutory guidance and statutory procedures potentially put children’s welfare at risk.”

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 considered that it had very limited evidence of insight or remorse from Mr McPhilemy and, whilst again carefully noting the personal and professional pressures that were on him at the time these events occurred, had seen no evidence of any efforts on his part to identify how such behaviour would be avoided in the future.”

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 the public would consider public funds being dishonestly misused in the way that it had determined that Mr McPhilemy had done to be wholly unacceptable. Likewise, the panel considered that Mr

McPhilemy's repeated failures to ensure appropriate procedures relating to safeguarding were followed at the school would be of extremely serious concern.

The panel considered that Mr McPhilemy conduct could potentially damage the public's perception of a teacher and teaching generally."

I am particularly mindful of the finding of conduct that was dishonest and lacked integrity 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 and 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 Mr McPhilemy himself. The panel has commented:

"The panel considered whether Mr McPhilemy had a previously good record. The panel noted that although there was no evidence of prior formal warnings or disciplinary action, there was also no evidence before it of exceptionally high standards in personal or professional conduct, nor evidence that Mr McPhilemy had made an outstanding or significant contribution to the education sector.

The panel noted the detailed evidence given by Mr McPhilemy with regard to his personal circumstances at the time. [REDACTED]. Whilst the panel did not consider these matters excused the behaviour which it had found proven, it did lead it to believe there may be some contributory factors as to why Mr McPhilemy's judgement may not have been sound at the time. The panel had no evidence either way as to whether the misconduct was out of character."

A prohibition order would prevent Mr McPhilemy 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 serious nature of the misconduct found proven, which included both dishonesty and a failure to discharge safeguarding responsibilities. The panel has said:

“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 McPhilemy. That the matters which it had found proven demonstrated a course of dishonest conduct over a period of time and a failure to carry out important safeguarding responsibilities which could have the potential to place children at risk were significant factors in forming that opinion.”

I have also placed considerable weight on the panel’s comments concerning the lack of evidence of full insight or remorse on the part of Mr McPhilemy.

I have given less weight in my consideration of sanction therefore to the contribution that Mr McPhilemy 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 a 5-year review period.

I have considered the panel’s comments:

“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. The panel found that the offence type of “*fraud or serious dishonesty*” was relevant given that its findings reflected a continued course of dishonest conduct in relation to the school’s money over a period of time.

The panel again considered the matters which it had found proven. The panel considered that it had very limited evidence of insight or remorse from Mr McPhilemy and, whilst again carefully noting the personal and professional pressures that were on him at the time these events occurred, had seen no evidence of any efforts on his part to identify how such behaviour would be avoided in the future.

The panel recognised Mr McPhilemy’s evidence as to the damage which this situation had had on him personally, the fact that he had not previously been subject to any disciplinary sanction and his long and successful career as well as his stated dedication to the teaching profession and to teaching generally.

Given the serious nature of the dishonesty findings which it had reached and the strong public interest considerations present including in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct within the profession the panel decided that the findings indicated a situation in which a longer review period would be appropriate. As such the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year review period.”

I have considered whether a 5-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. In this case, factors mean that allowing a shorter review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious and repeated nature of the misconduct, the dishonesty found, the lack of evidence of full insight and remorse, and the risk of repetition.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Christopher McPhilemy 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 13 March 2031, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr McPhilemy remains prohibited from teaching indefinitely.

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

Mr McPhilemy has a right of appeal to the High Court within 28 days from the date he is given notice of this order.



Decision maker: David Oatley

Date: 10 March 2026

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