

## NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Huy Chan Truong

**Teacher ref no:** 9560779

**Teacher date of birth:** 10 May 1972

**TA Case ref no:** 7257

**Date of Determination:** 14 May 2013

**Former Employer:** St Augustine of Canterbury School, Taunton, Somerset

### **A. Introduction**

A Professional Conduct Panel ("the Panel") of the National College for Teaching and Leadership convened on Monday 13 and Tuesday 14 May 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Huy Chan Truong.

The Panel members were Dr Robert Cawley (Teacher Panellist – in the Chair), Mr Tony Heath (Lay Panellist) and Ms Mick Levens (Teacher Panellist).

The Legal Adviser to the Panel was Mr Tom Rider of Field Fisher Waterhouse LLP Solicitors.

The Presenting Officer for the National College for Teaching and Leadership was Ms Chloe Binding of Kingsley Napley LLP Solicitors.

Mr Huy Chan Truong was present and was represented by Mr Martin Menear, NASUWT.

The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 7 January 2013.

It was alleged that Mr Truong was guilty of unacceptable professional conduct, in that:

1. During the course of his employment as an Art Teacher at the former St. Augustine of Canterbury School, Taunton, Somerset, between 2006 and 2007 he breached the appropriate boundaries of a relationship between teacher and pupil in respect of his conduct towards Pupil A, in that he kissed her in the art cupboard.
2. His conduct as set out at 1 above was sexually motivated.

It was also alleged that Mr Truong was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

3. During the course of his employment as an Art Teacher at the former St. Augustine of Canterbury School, Taunton, Somerset, between September 2006 and June 2008 he breached the appropriate boundaries of a relationship between teacher and former pupil, in that he engaged in an inappropriate relationship with Pupil/ex-Pupil B;
4. His conduct as set out at 3 above was sexually motivated.

Mr Truong denied particulars 1 and 2 of the first allegations but admitted particulars 3 and 4 of the second allegation. He denied unacceptable professional conduct and/or conduct that may bring the profession into disrepute in respect of both allegations.

### **C. Preliminary Applications**

#### Application to admit witness statement as hearsay evidence

The Presenting Officer applied under paragraphs 4.16 – 4.17 of The Disciplinary Procedures for the regulation of the teaching profession for a witness statement by Pupil A to be adduced as hearsay evidence. The application was opposed by Mr Menear.

The Presenting Officer set out the background. This case had initially been listed for hearing on 19-21 March 2013. Shortly before that, Kingsley Napley had issued and served a witness summons on Pupil A as she had failed to co-operate with their investigation. On receipt of the witness summons caused her to re-engage with Kingsley Napley. She told them that she was unable to attend the hearing on 19 March 2013 but that she would be willing to attend at a later date provided she could give evidence without Mr Truong being in the same room. She explained that she had been unwell. An application to postpone the hearing was therefore made and it was granted. Further, the Presenting Officer made an application for Pupil A to be treated as a vulnerable witness and a case management hearing was convened for 19 March 2013, when the Panel directed that Pupil A be treated as a vulnerable witness and that special measures be adopted, whereby Pupil A's evidence would be relayed to Mr Truong by video link in another room.

The Presenting Officer stated that Pupil A continued to engage with her but on 9 April 2013 Pupil A telephoned to say that her mental health had taken a downward turn and her GP had advised her not to attend. Nothing further was heard until last Friday, 10 May 2013, when the Presenting Officer said she received Pupil A's signed

witness statement and a short letter from her GP. The Presenting Officer handed up a copy of the GP's letter dated 9 May 2013 (which was added to the bundle as page 199), which stated:

*"I am the General Practitioner of [Pupil A]. I understand she has been requested to attend court on Monday. However due to the nature of the case [Pupil A] is suffering from marked anxiety symptoms, low mood and flashbacks and therefore is not fit at this time to attend the court or for the foreseeable future."*

The Presenting Officer stated that it was for these reasons that she was making the application. She reminded the Panel that under paragraphs 4.16 – 4.17, there was a power to admit late evidence subject to it being relevant and subject to fairness. On the latter, she referred the Panel to the factors identified by the Court in the case of *Bonhoeffer v General Medical Council* as being relevant when deciding whether it is fair to allow hearsay evidence to be adduced as the sole evidence in support of an allegation of a sexual nature. She said that Pupil A was her sole witness in support of particulars 1 and 2 of the first allegation in this case and it was an allegation of a sexual nature. She stated that the Court in the *Bonhoeffer* case stated that a defendant had no absolute entitlement to cross-examine a witness, even in criminal proceedings, and that what is fair is not fact specific but requires consideration in the round of all factors. Further, it is necessary to consider the nature and seriousness of the allegation together with the consequences for the defendant if the allegation is found proved. The more serious the allegation, the more astute the Panel has to be to ensure there is a fair process if the evidence is to be admitted. She submitted that, in this case, the Panel may feel that any unfairness to Mr Truong could be mitigated through, firstly, careful advice from the Legal Adviser and, secondly, by Mr Truong having the opportunity to put forward his own version of events in evidence.

In reply, Mr Menear stated that Pupil A and Mr Truong have wholly conflicting accounts as to whether he kissed her in the art cupboard. It would therefore be unfair for Pupil A's evidence to be admitted if he was not to have the opportunity to cross-examine her and for her evidence to be tested. Further, there were no other witnesses that he could question. The issue was Pupil A's credibility as a witness.

The Panel announced its decision and reasons for that decision as follows:

*"We have decided, having given the matter very careful consideration, to refuse the Presenting Officer's application to admit the witness statement of Pupil A as hearsay evidence in her absence."*

*The application is made under paragraphs 4.16 – 4.17 of The Disciplinary Procedures for the regulation of the teaching profession, which permits a Panel to admit any evidence where it is fair to do so, and provided it is relevant.*

*It is common ground that Pupil A's evidence is relevant to particulars 1 and 2 of first allegation. However, in our view, it would not be fair to Mr Truong for her witness statement to be allowed in evidence without his representative having the opportunity to cross-examine her.*

*In coming to this view, we have borne fully in mind the propositions set out by Mr Justice Stadlen in his Judgment in the case of The Queen (on the application of Johannes Philip Bonhoeffer) v General Medical Council [2011] EWHC 1585 (Admin).*

*We acknowledge that even in criminal proceedings the right to cross-examine a witness is not absolute. It is subject to exceptions and the absence of the witness through ill-health, as is the situation here, is one such potential exception. The same applies in disciplinary proceedings.*

*We recognise too that the issue of what entails a fair hearing in disciplinary proceedings is one to be considered in the round having regard to all relevant factors.*

*Particulars 1 and 2 of the first allegation against Mr Truong in this case are that he breached the appropriate boundaries of a relationship between teacher and pupil by kissing Pupil A in the art cupboard, and that his conduct was sexually motivated.*

*This is a serious allegation and it is one that Mr Truong denies. It is one that if it were to be found proved would be put at grave risk Mr Truong's future career as a teacher in that the consequence of the finding might well be that the Secretary of State makes a Prohibition Order that bars Mr Truong from teaching.*

*We recognise that the facts in this case are quite different to those in the Bonhoeffer case. It is accepted that Kingsley Napley have made all appropriate efforts to get Pupil A to the hearing to give oral evidence, including by issuing a witness summons. Her non-attendance is solely due to her ill-health.*

*However, the nature of the allegation puts a heavy burden on us to ensure a fair hearing. This allegation involves a straight conflict of evidence between that of Pupil A and Mr Truong. We understand Pupil A's evidence would be that Mr Truong kissed her in the art cupboard and Mr Truong's evidence would be that no such thing ever took place. Pupil A's evidence is therefore critical to the Presenting Officer's case.*

*Being able to test the credibility of Pupil A as a witness is central to this case and we are satisfied that this could only fairly be tested by Mr Menear being able to cross-examine her.*

*In this respect, we note too that in the criminal proceedings against Mr Truong, in which he was acquitted, the Judge in his summing up to the jury referred to the defence's case that Pupil A was a fantasist. We express no view whatsoever on that point beyond observing that it serves to emphasise the vital importance of the Panel being able to form a clear view as to the credibility of Pupil A. We are satisfied that we cannot do this fairly without her giving oral evidence."*

#### Submission of Late/Additional Documents

Mr Menear applied for Mr Truong's witness statement (redacted to remove the passage relating to particulars 1 and 2) to be admitted in evidence. He apologised for its lateness. The Presenting Officer did not oppose the application.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

- The Disciplinary Procedures for the regulation of the teaching profession requires the parties to serve their evidence at least four weeks before the hearing but the Panel has a discretion to allow late documents to be admitted where it considers that they are relevant and that it is fair to do so. In this case, the Presenting Officer has indicated that she does not oppose the application.

The Panel announced its decision to accept in evidence Mr Truong's (redacted) witness statement, which was added to the bundle as pages 200 – 202. The Panel nevertheless emphasised the importance of the parties adhering to the time limits contained in The Disciplinary Procedures for the regulation of the teaching profession.

## **D. Summary of Evidence**

### Documents

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

- Section 1: Chronology and Anonymised Pupil List (pages 1-3)
- Section 2: Notice of Proceedings and Response (pages 4-10)
- Section 3: Teaching Agency Witness Statements (pages 11-23)
- Section 4: Teaching Agency Documents (pages 25-198)

In addition, the Panel agreed to accept, as previously stated, the letter dated 9 May 2013 from Pupil A's GP (page 199) and Mr Truong's (redacted) witness statement (pages 200 – 202).

The Panel Members confirmed that they had read all of the documents in advance of the hearing and that they had read the further documents that they had agreed to accept.

### Opening Statements

The Presenting Officer stated that she would not be adducing any evidence in support of particulars 1 and 2. On admitted particulars 3 and 4, she submitted that the only documents in the bundle that were relevant were: Witness A's witness statement (pages 11-17), paragraphs 1-6 of Individual A's witness statement (pages 20-21), exhibit 2 (pages 27-34), exhibit 6 (pages 47-50), exhibit 10 (pages 61-63), exhibit 14 (pages 118-126), exhibit 15 (pages 127-134), and exhibits 16A-C (pages 135-148).

### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

### Witness A

Witness A of Avon & Somerset Constabulary gave evidence. She confirmed the contents of her witness statement (pages 12-17), which was taken as read. In her statement, she related that on 13 June 2008 she visited Mr Truong's flat in order to arrest him for matters relating to Pupil A and that while she was there she discovered Pupil B in Mr Truong's bed under the duvet, wearing only a pair of knickers. She produced a note of her discussion with Pupil B on that occasion, when Pupil B told her that her relationship with Mr Truong commenced when she returned to the school in September 2007 to pick up her art work and Mr Truong offered to meet her for a drink. Further, she produced a copy of Pupil B's witness statement to the police of 20 June 2008 in which, contrary to what she had said previously, Pupil B described herself as the instigator of the relationship.

### Huy Chan Truong

Mr Huy Chan Truong was called by Mr Menear to give evidence. He confirmed the contents of his (redacted) witness statement (pages 200-202).

In answer to questions in cross-examination from the Presenting Officer, Mr Truong stated that:

- He was currently in a relationship with Pupil B.
- Pupil B left the School in June 2007, when she was 16 years of age. Her birthday was on 20 November. He was aged 35 at that time.
- It was not until after Christmas 2007 that Pupil B returned to the School to collect her art work. He believed Pupil B was mistaken when she told the police that this occurred in September 2007. He was required to keep the art coursework for a full term after the GCSE examination and Pupil B sat the examination in the summer term of 2007.
- He taught Pupil B between September 2004 and June 2007.
- From September 2007 until he left in November 2008, he was absent from work for long periods. He suffered from sinus infections and a chronic fatigue syndrome was diagnosed. His physical and mental state deteriorated.
- In April 2008, he tried again to return to work but this was not for long. His home life had collapsed and he was "not in the right place".
- It was around this time, after he left the family home, that he moved to Weston-Super-Mare and he had contact with Pupil B again. This was after they had exchanged telephone numbers when she visited the School after Christmas.
- He had not been sexually attracted to Pupil B while she was a pupil or when she visited him to collect her art work, although on the later occasion he supposed he thought some friendship might develop.

- The next time he saw Pupil B was when she visited him at his flat in Weston-Super-Mare in around April 2007. He was very depressed by this time.
- He accepted that she was only 17 years of age at the time they entered into a sexual relationship and that this was inappropriate. He further accepted that this damaged the reputation of the profession, that he had a duty of care towards her, and he abused his position of trust. However, she brought "a ray of hope" into his life.
- He agreed that he had not told Witness A that Pupil B was in his flat when she visited but he denied concealing this. They had only just woken up.
- He was not currently teaching and he had no intention of ever returning to teaching.
- Teaching had been an important part of his life but it had also been a cause of his failing health and he had become "burnt out".
- He was now a freelance illustrator.

In answer to further questions from Mr Menear, Mr Truong stated that:

- It was after Christmas 2007 that Pupil B visited him at the School to collect her art coursework. They had a 10 minute conversation and exchanged pleasantries.
- It had been around February – March 2008 that he had been diagnosed with chronic fatigue symptoms.
- The School had arranged for him to see an Occupational Health doctor and he had been referred for counselling.

#### Address in mitigation

After the Panel had announced its findings of fact and of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, Mr Menear addressed the Panel in mitigation. He made the following points:

- Mr Truong was only technically still employed by the School at the time he entered into a sexual relationship with Pupil B in that he was off work sick from that time until his formal resignation took effect in November 2008.
- Mr Truong did not pose a risk to pupils. He was not a person who regularly sought this type of relationship. Further, his relationship with Pupil B was still continuing.

In answer to the Panel, Mr Menear stated that he was not in a position to provide the Panel with any independent medical evidence.

## **F. Decision and Reasons**

The Panel announced its decision and reasons as follows:

"We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing, as well as the further documents submitted to us by the parties at the start of the hearing.

Between April 2004 and November 2008, Mr Truong was employed as the Head of Art at St Augustine of Canterbury School in Taunton. It is alleged that during his time at the School he breached the appropriate boundaries of a teacher – pupil relationship in respect of two students. The first was Pupil A, whom Mr Truong taught for GCSE Art. It is alleged that he kissed her in the art cupboard at the School in around May 2006, when she was 15 years of age. He denies the allegation.

Other, more serious allegations were previously made against Mr Truong in relation to Pupil A, namely that they had a sexual relationship prior to her sixteenth birthday, and these were the subject of criminal proceedings. Mr Truong was acquitted of all the charges brought against him following a fully contested Crown Court trial, during which Pupil A gave evidence. Those matters have not been the subject of the case against him in these proceedings.

The second student was Pupil B. She was also taught GCSE Art by Mr Truong. She completed that course in the summer of 2007, when she left the School, aged 16, having had her sixteenth birthday the previous autumn. It is alleged, and admitted by Mr Truong, that he entered into an inappropriate, sexual relationship with Pupil B from around April 2008, and thereby breached the appropriate boundaries of a relationship between a teacher and a former pupil.

This relationship occurred following a meeting between the two of them at the School after she had left, when Pupil B went back to collect her GCSE Art course work. They chatted and during their conversation he shared with her that he was taking anti-depressants and that he had marital difficulties. She gave him a hug and they exchanged telephone numbers in order to keep in contact. Mr Truong had moved to Weston-Super-Mare by April 2008 but he remained employed by the School. He resigned with effect from 30 November 2008, although he had been off work sick for some time by the time he had left.

The relationship between Mr Truong and Pupil B came to light on 13 June 2008, when the police visited Mr Truong's flat as part of their investigation into the allegations involving Pupil A, and found Pupil B in his bed.

These matters were attested to by Witness A, who was called as a witness by the Presenting Officer. The only other live evidence was given by Mr Truong himself. There were no other witnesses called by either party.

At the commencement of the hearing, the Presenting Officer applied for a witness statement made by Pupil A to be admitted as hearsay evidence. It had previously

been expected that Pupil A would give live evidence as a result of extensive efforts made by the Presenting Officer's firm to secure her attendance: a witness summons had been served on her; and at a case management hearing in March 2013, directions were made that she be treated as a vulnerable witness and that special measures be adopted. However, on 10 May 2013, a report from Pupil A's GP was submitted stating that Pupil A was not well enough to give evidence at this hearing or at any time in the foreseeable future.

This report formed the basis of the Presenting Officer's application, which was opposed by Mr Menear, Mr Truong's representative. He submitted that it would be unfair for the statement to be admitted in evidence as he would not have the opportunity to cross-examine Pupil A. He stated that Mr Truong wholly refuted Pupil A's assertion that he kissed her in the art cupboard and she was the Presenting Officer's only witness in respect of that allegation.

After giving the matter careful consideration, and for reasons set out more fully in our decision at the start of the hearing, we ruled that Pupil A's witness statement should not be admitted in evidence on the grounds that it would be unfair to do so.

Following this decision, the Presenting Officer informed us that she would not be adducing any evidence in respect of the first allegation in these proceedings relating to Pupil A.

#### Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the first allegation against Mr Truong not proven:

Particular 1 – "During the course of your employment as an Art Teacher at the former St Augustine of Canterbury School, Taunton, Somerset, between 2006 and 2007 you breached the appropriate boundaries of a relationship between teacher and pupil in respect of your conduct towards Pupil A, in that you kissed her in the art cupboard";

Particular 2 – "Your conduct as set out at 1 above was sexually motivated";

As we have already stated, the Presenting Officer presented no evidence in support of these Particulars.

We have found the following particulars of the second allegation against Mr Truong proven:

Particular 3 – "During the course of your employment as an Art Teacher at the former St Augustine of Canterbury School, Taunton, Somerset, between September 2006 and June 2008 you breached the appropriate boundaries of a relationship between teacher and former pupil, in that you engaged in an inappropriate relationship with Pupil/ ex-Pupil B";

Particular 4 – "Your conduct as set out at 3 above was sexually motivated".

Our reasons are that both these Particulars have been admitted by Mr Truong. In addition, we have received, and accept, the evidence of Witness A regarding what she saw when she visited Mr Truong's flat on 13 June 2008. We also have her record of what she was told by Pupil B and a copy of Pupil B's subsequent police witness statement. There are some differences between Pupil B's two accounts, and there has been some confusion on Pupil B's part as to when she left the School. However, we have been able to resolve the position on dates and Pupil B confirmed in her police witness statement that she was in a sexual relationship with Mr Truong by no later than April 2008.

#### Findings as to Unacceptable Professional Conduct and Conduct that may bring the Profession into disrepute

Having found that Mr Truong breached the appropriate boundaries of a relationship between teacher and former pupil in that he engaged in an inappropriate relationship with Pupil B, we further find that his actions constitute unacceptable professional conduct and conduct that may bring the profession into disrepute.

This has been admitted by Mr Truong, but we have nevertheless come to our own professional judgment as we are required to do. In doing so, we have had regard to the latest Teachers' Standards as published by the Secretary of State.

Mr Truong was Pupil B's Art Teacher for three years between 2004 and 2007. The sexual relationship that developed between them occurred within one year of her leaving school and when she was still only 17 years of age. He was still a teacher at the School and he owed her a continuing duty of care.

Further, their relationship arose directly from the teacher – pupil relationship. Pupil B visited Mr Truong at the School in his capacity as her former teacher when she went to collect her Art course work from him. Mr Truong breached appropriate boundaries on that occasion, notwithstanding that he may have been mentally unwell. He disclosed details about his personal life that ought not to have been divulged by a teacher to someone who until recently had been one of his pupils. It led to her giving him a hug and to an exchange of telephone numbers. It was just three or so months after that when the relationship between them became sexual.

In allowing their relationship to develop that far, Mr Truong woefully failed to observe proper boundaries appropriate to a teacher's professional position. Mr Truong was in a position of trust and he breached that trust. His misconduct is serious, falling significantly short of the standard expected of a teacher."

#### **Panel's Recommendation to the Secretary of State**

We recommend that a Prohibition Order is appropriate in this case.

In coming to our recommendation, we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decision leading to the prohibition of the teaching profession".

We recognise that a Prohibition Order aims to protect pupils and to maintain public confidence in the profession. We also have to consider what is in the public interest and whether a Prohibition Order is a proportionate measure, weighing the public interest against the private interests of the teacher.

In this case, the public interest includes the protection of the public, maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

We have considered the previous history and character of Mr Truong and whether there are mitigating circumstances. Mr Menear has put to us in mitigation that, although Mr Truong was still technically employed by the School at the time he entered into a sexual relationship with Pupil B, he was on long term sick leave by that point and he never in fact returned to work prior to his resignation later in 2008. Further, he pointed out that Mr Truong's relationship with Pupil B is still continuing: it was therefore a 'one off' instance of falling below the standards expected of a teacher; and Mr Truong does not pose a continuing threat to pupils.

No testimonials or references have been provided for Mr Truong and so we are limited in our ability to form a view as to his history and character beyond what we were able to ascertain when he gave evidence.

We acknowledge that Mr Truong's relationship with Pupil B is continuing and that it is a consensual one. Further, Mr Truong has shown a degree of insight in that he accepted in cross-examination that in entering into this relationship he breached the appropriate boundaries between teacher and former pupil and that he abused his position of trust as a teacher. We recognise too that Mr Truong has told us that he was suffering from depression at the relevant time.

Nevertheless, Mr Truong's actions constitute a serious departure from the personal and professional standards expected of a teacher and had the potential to seriously affect the well-being of his former pupil. Pupil B was taught by Mr Truong for three years and their sexual relationship arose directly from their former teacher – pupil relationship. She went to see him at the School as her former teacher in order to collect her art work. Appropriate boundaries were crossed when Mr Truong disclosed details of his private life to her, which elicited her sympathy, and it was only a matter of months after that when their sexual relationship developed. He was in a position of trust and he owed her a continuing duty of care. He abused that trust and he failed in his duty of care. He may have been unwell but he plainly knew what he was doing. He has also shown no remorse for his actions. In our view, Mr Truong has demonstrated only limited insight into his misconduct and the reasons for it. No evidence has been produced of any remedial steps on his part.

For all these reasons, we consider that, on balance, it is appropriate in the public interest and proportionate to recommend the imposition of a Prohibition Order.

Further, we recommend that a period of 5 years should elapse before Mr Truong may be allowed to apply to have his Prohibition Order reviewed. Again, we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decision leading to the prohibition of the teaching profession". The misconduct was serious but we do not consider that any of the factors were present that would make it

proportionate to debar Mr Truong from ever being able to apply for the Prohibition Order to be set aside. Further, although Mr Truong has told us that he has no intention of ever returning to teaching, we recognise that he is still relatively young and so his views might change over time. We therefore consider that a minimum period of 5 years is appropriate.

### Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation of the Panel in respect of sanction and review period. In this case the Panel were not required to consider the first allegation, as the presenting officer did not adduce evidence.

In terms of the second allegations regarding Pupil B, Mr Truong admitted both the facts of the case and also that the allegations amounted to unacceptable professional conduct.

Mr Truong's misconduct breached the appropriate boundaries of a relationship between a teacher and a former pupil, in that he engaged in an inappropriate relationship with Pupil B. This is a very serious matter, and falls significantly short of the conduct expected by the public of a teacher.

Mr Truong was in a position of trust with a continuing duty of care to Pupil B. His actions had the ability to seriously impact upon Pupil B and to potentially impact upon the reputation of the teaching profession.

I have considered both the need to act in the public interest and also to be proportionate. In this case I support the recommendation of the panel that Mr Truong should be prohibited from teaching.

I have also given careful consideration to the recommendation of the Panel in respect of a review period.

I support the view that a five year period is appropriate and proportionate. It will allow Mr Truong opportunity to consider his actions and potentially to make a successful application.

This means that Mr Huy Chan Truong 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 22 May 2018, 5 years from the date of this Order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Huy Chan Truong remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Huy Chan Truong has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

**NAME OF DECISION MAKER: Alan Meyrick**

**Date: 14 May 2013**