



National College for
Teaching & Leadership

Mr Christopher Hawkes-King: Professional conduct panel outcome

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

May 2017

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

Teacher: Mr Christopher Hawkes-King
Teacher ref number: 0980431
Teacher date of birth: 7 April 1982
NCTL case reference: 14728
Date of determination: 9 May 2017
Former employer: Furze Platt Senior School, Maidenhead

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Christopher Hawkes-King.

The panel members were Cllr Gail Goodman (teacher member – in the chair), Mr Martin Greenslade (lay member), and Ms Karen McArthur (lay member).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds Sutherland (International) LLP.

Neither the presenting officer, Ms Natasha Ricioppo for the National College nor Mr Christopher Hawkes-King were present, as this matter has been listed for a meeting.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 27 April 2017.

It was alleged that Mr Christopher Hawkes-King was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. In relation to Pupil A (a Year 13 female pupil aged 18) he:
 - a. Exchanged texts and/or social media and/or Skype messages with her:
 - i. including flirtatious messages;
 - ii. including messages of a sexual nature;
 - b. Sent to and/or received from Pupil A sexually explicit images and/or videos,
 - c. Whilst on School premises:
 - i. hugged and/or kissed Pupil A including kissing her on her neck and/or breasts,
 - ii. allowed Pupil A to masturbate him,
 - iii. touched Pupil A intimately including penetrating her vagina with his fingers;
2. His actions as set out above were sexually motivated.

In the Statement of Agreed Facts, Mr Hawkes-King admits the factual particulars of these allegations and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. This is why this matter is proceeding by way of a meeting.

C. Preliminary applications

The panel considered at the outset whether the allegations should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegations have been admitted, that Mr Hawkes-King has requested a meeting and the panel has the benefit of Mr Hawkes-King's written representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. This was made clear to Mr Hawkes-King in correspondence from the National College dated 23 April 2017. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

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 to 2

Section 2: Notice of Referral, Response and Notice of Meeting– pages 3 to 9b

Section 3: Statement of Agreed Facts and presenting officer representations – pages 10 to 17

Section 4: National College's documents – pages 18 to 41

Section 5: Teacher documents – pages 42 to 45

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

Witnesses

As this is a meeting, the panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Hawkes-King worked as an IT and computing teacher at Furze Platt Senior School ("the School") from 1 January 2013. In November 2015, a relative of Mr Hawkes-King

contacted the police in relation to an allegation that he was having an affair with a pupil at the School. Mr Hawkes-King then informed the headteacher of the School that he had been having a relationship with a pupil. The School commenced an investigation and Mr Hawkes-King was suspended on 13 November 2015. Mr Hawkes-King subsequently resigned from the School on 1 December 2015.

Findings of fact

The panel's findings of fact are as follows:

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. In relation to Pupil A (a Year 13 female pupil aged 18) you:

a. Exchanged texts and/or social media and/or Skype messages with her

i. including flirtatious messages;

ii. including messages of a sexual nature;

The panel noted from the Statement of Agreed Facts signed by Mr Hawkes-King on 17 March 2017, that Mr Hawkes-King agrees that Pupil A was a student at the School at the time of his employment and he taught Pupil A [redacted].

The panel had regard to the management investigation report ("the Report") prepared by the School which states that Mr Hawkes-King admitted in a meeting with the School on 11 November 2015 that he had been exchanging emails with a Year 13 student and that he said these communications had become flirtatious.

The Report also states that Mr Hawkes-King admitted that this then led onto him and Pupil A "sexting" each other outside of the School. The Report further reflects that Pupil A's and Mr Hawkes-King's accounts to the police indicated that Mr Hawkes-King first started communicating with Pupil A through an online gaming site known as 'Steam' and Mr Hawkes-King subsequently suggested that he and Pupil A communicate via Skype. The Report further states that they communicated on Skype, phone calls and video.

A record of Mr Hawkes-King's investigation meeting with the School on 23 November 2015 states that Mr Hawkes-King's relationship with Pupil A started through an online chatroom via 'Steam'. The panel noted that Mr Hawkes-King admits each of the factual particulars of allegation 1.a.i and 1.a.ii. in the Statement of Agreed Facts, in particular he admits that he exchanged messages with Pupil A which contained flirtatious and/or sexually explicit content from around 9 October 2015.

Allegation 1.a.i and 1.a.ii are therefore found proven.

b. Sent to and/or received from Pupil A sexually explicit images and/or videos,

A record of an investigation meeting with the School on 23 November 2015 reflects Mr Hawkes-King stating that his Skype contact with Pupil A became more regular and intimate with pictures being swapped, some of which were inappropriate and also explicit. The Report indicates that Mr Hawkes-King told the School that Pupil A had sent him a picture of her bare chest and that he had also shared an inappropriate image of himself. The Report further reflects that in their account to the police, Pupil A and Mr Hawkes-King indicated that things became more flirtatious and he and Pupil A started talking about what they liked “sexually”.

The panel noted this allegation is admitted by Mr Hawkes-King in the Statement of Agreed Facts. He admits that he exchanged naked photographs with Pupil A containing images of her breasts and/or his penis from around 17 October 2015. He further admits, that on or around 21 October 2015, he sent a video of himself masturbating to Pupil A.

This allegation is therefore found proven.

c. Whilst on School premises:

i. hugged and/or kissed Pupil A including kissing her on her neck and/or breasts,

The Report indicates that Mr Hawkes-King notified the School on 11 November 2015 that he and Pupil A had hugged each other on school premises. The Report reflects that in their account to the police, Pupil A and Mr Hawkes-King stated that contact began with hugging and kissing each other. This progressed to Mr Hawkes-King kissing Pupil A’s neck and breasts.

The panel noted from the Statement of Agreed Facts that Mr Hawkes-King admits that he hugged Pupil A, kissed her on the mouth, neck and breasts whilst on school premises. This allegation is therefore found proven.

ii. allowed Pupil A to masturbate you,

The panel noted that the Report reflects that in their accounts to the police, Pupil A and Mr Hawkes-King indicated that Mr Hawkes-King touched her on her breasts and genital area over clothes and she touched his genitals over clothes. This progressed to Mr Hawkes-King allowing Pupil A to masturbate him.

The panel noted from the Statement of Agreed Facts that Mr Hawkes-King admits that he allowed Pupil A to masturbate him whilst on school premises. This allegation is therefore found proven.

iii. touched Pupil A intimately including penetrating her vagina with your fingers;

The Report further indicates, that in their account to the police, Mr Hawkes-King and Pupil A indicated that Mr Hawkes-King digitally penetrated Pupil A. Mr Hawkes-King admits the factual particulars of this allegation in the Statement of Agreed Facts. He admits that he touched Pupil A's vagina and penetrated her vagina with his fingers. This allegation is therefore found proven.

2. Your actions as set out above were sexually motivated.

The legal advisor advised the panel that it may find it helpful to ask itself whether on the balance of probabilities reasonable persons would think the words/actions found proven against Mr Hawkes-King could be sexual. If so, the panel will then need to go on to ask itself a second question: whether, in all the circumstances of the conduct in the case, it is more likely than not that Mr Hawkes-King's purpose of such words/actions in relation to Pupil A was sexual.

The panel considered that there was sufficient evidence in the bundle to satisfy itself, on the balance of probabilities, that reasonable persons would think the conduct found proven in relation to allegations 1.a. to 1.c. was sexually motivated. Mr Hawkes-King's admission to hugging and kissing Pupil A, allowing Pupil A to masturbate him and penetrating her vagina with his fingers was evidence of Mr Hawkes-King's sexual desire for Pupil A. Mr Hawkes-King admits, in the Statement of Agreed Facts, that his actions as set out at allegations 1.a. to 1.c. were sexually motivated.

The panel therefore found this allegation proven.

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

The panel is satisfied that the conduct of Mr Hawkes-King in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Hawkes-King is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hawkes-King fell significantly short of the standards expected of the profession. Mr Hawkes-King should not have subjected a pupil to sexually explicit messages or pictures and should not have engaged in intimacy or undertaken sexual activity with a pupil.

The panel noted from the Report that Mr Hawkes-King is recorded as stating in his investigation meeting with the School that he “understood” the high standards of conduct expected of teachers as set out in the School’s child protection and safeguarding policy and the internet safety policy. The panel further noted from the Report that Mr Hawkes-King’s behaviour represented gross misconduct as defined in the School’s discipline policy, specifically “conduct at work likely to offend decency, including improper relationship with students”. Even if Pupil A was aged over 18 at the time of the physical sexual activity, Pupil A was still a pupil of the School and the panel considered Mr Hawkes-King had crossed the boundaries of an appropriate pupil teacher relationship.

The panel has also considered whether Mr Hawkes-King’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of sexual activity is relevant. 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 notes that allegation 1.a. may relate to conduct which took place outside of the education setting as it is possible that Mr Hawkes-King’s messages on social media and Skype to Pupil A may have been outside of the School’s premises. The panel considers that this conduct affects the way Mr Hawkes-King fulfils his teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way, as pupils should not receive flirtatious or sexually explicit messages from a teacher.

Accordingly, the panel is satisfied that Mr Hawkes-King is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct against Mr Hawkes-King are serious and the conduct displayed would likely have a negative impact on Mr Hawkes-King’s status as a teacher, potentially damaging the public perception of the profession. Mr Hawkes-King’s conduct fell significantly below the behaviour expected of a role model for pupils, parents and others in the community.

The panel therefore finds that Mr Hawkes-King’s actions constitute 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils in this case, given the serious findings of an inappropriate relationship with Pupil A.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hawkes-King were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Hawkes-King.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hawkes-King. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils,...

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel considered there was no evidence that Mr Hawkes-King's actions were not deliberate. There was no evidence to suggest that Mr Hawkes-King was acting under duress, and in fact the panel found his actions to be sexually motivated.

There is no evidence within the bundle relating to Mr Hawkes-King's previous teaching history and the panel has seen no evidence that shows Mr Hawkes-King was previously subject to disciplinary proceedings or warnings. The panel can only assume that Mr Hawkes-King was of previous good history.

There is no character evidence in the bundle for the panel to consider. However, the documents from the School's disciplinary investigation reflects Mr Hawkes-King admitting his inappropriate conduct towards Pupil A from 11 November 2015. The panel noted from the Report that the School considers that Mr Hawkes-King's account of his actions remained consistent throughout the School's investigation process and also the police investigation. The panel noted from his written representations, included in the bundle, that Mr Hawkes-King states he has never denied "any of the claims" against him and he completely admits his wrong doing. Mr Hawkes-King indicates that he fully understands that what he has done will almost certainly result in him "being removed from the teacher register". He recognises that what he has done has already caused many people emotional distress.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of prohibition for Mr Hawkes-King.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Hawkes-

King. His sexual relationship with Pupil A was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Hawkes-King has been responsible for sexually motivated behaviour towards Pupil A that resulted in him undertaking sexual activity with Pupil A whilst she was a pupil of the School. This, in the panel's view was an abuse by Mr Hawkes-King of his professional position as a teacher.

The panel noted Mr Hawkes-King's acknowledgement, in his written representations, that he had caused emotional distress, however he does not indicate to whom. The record of his interview with the School on 23 November 2015, reflects Mr Hawkes-King was aware of the abuse of trust he exercised towards a pupil in his care. However, the panel did not consider that the documents in the bundle reflect Mr Hawkes-King displaying any level of insight over the inappropriateness of his actions towards Pupil A.

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

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case, I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of

State that Mr Hawkes-King should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Hawkes-King is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hawkes-King fell significantly short of the standards expected of the profession. Mr Hawkes-King should not have subjected a pupil to sexually explicit messages or pictures and should not have engaged in intimacy or undertaken sexual activity with a pupil.

The panel also noted from the Report that Mr Hawkes-King is recorded as stating in his investigation meeting with the School that he "understood" the high standards of conduct expected of teachers as set out in the School's child protection and safeguarding policy and the internet safety policy. The panel further noted from the Report that Mr Hawkes-King's behaviour represented gross misconduct as defined in the School's discipline policy, specifically "conduct at work likely to offend decency, including improper relationship with students". Even if Pupil A was aged over 18 at the time of the physical sexual activity, Pupil A was still a pupil of the School and the panel considered Mr Hawkes-King had crossed the boundaries of an appropriate pupil teacher relationship.

The panel has also considered whether Mr Hawkes-King's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of sexual activity is relevant. 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.

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 or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may 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 Mr Hawkes-King, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has made “serious findings of an inappropriate relationship with Pupil A. ” A prohibition order would therefore prevent such a risk from being present to other pupils. I have also taken into account the panel’s comments on insight which the panel sets out as follows, “Mr Hawkes-King was aware of the abuse of trust he exercised towards a pupil in his care. However, the panel did not consider that the documents in the bundle reflect Mr Hawkes-King displaying any level of insight over the inappropriateness of his actions towards Pupil A.”

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ well-being. 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 observe, “.public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hawkes-King were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the serious nature of the findings in this case which include sexual misconduct 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 failure to impose a prohibition order might be regarded by the public 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, 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 Hawkes-King himself. The panel had no evidence before it concerning Mr Hawkes-King’s character. In this case however the seriousness of the sexual misconduct is such that it is in the public interest for a prohibition order to be imposed, even though that will impact on Mr Hawkes-King.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight.

I have also placed considerable weight on the finding of the panel that Mr Hawkes-King, "should not have subjected a pupil to sexually explicit messages or pictures and should not have engaged in intimacy or undertaken sexual activity with a pupil."

I have given less weight in my consideration of sanction to the contribution that Mr Hawkes-King 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 does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For all of these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no provision for a review period.

I have considered the advice published by the Secretary of State. Mr Hawkes-King's behaviour was sexually motivated towards Pupil A and it resulted in him undertaking sexual activity with Pupil A whilst she was a pupil of the School.

I believe that a prohibition order with no provision for a review period is proportionate to achieve the aim of maintaining public confidence in the profession and to protect pupils.

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

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

Mr Christopher Hawkes-King 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.



Decision maker: Alan Meyrick

Date: 12 May 2017

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