



Teaching  
Regulation  
Agency

# **Mr James Langley: Professional conduct panel outcome**

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

**July 2021**

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

<b>Teacher:</b>	Mr James Langley
<b>Teacher ref number:</b>	9538253
<b>Teacher date of birth:</b>	6 July 1973
<b>TRA reference:</b>	19210
<b>Date of determination:</b>	12 July 2021
<b>Former employer:</b>	St Oswald's Church of England Primary Academy, Bradford

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 12 July 2021 by way of a virtual hearing, to consider the case of Mr James Langley.

The panel members were Ms Shabana Robertson (lay panellist – in the chair), Mr Paul D Hawkins (teacher panellist) and Dr Martin Coles (former teacher panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Langley that the allegations be considered without a hearing. Mr Langley provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Ruth Miller, Mr Langley or his representative Mr Jonathan Bacon.

The meeting took place in private and was recorded.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 8 July 2021.

It was alleged that Mr Langley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst a teacher at St Oswald's Church of England Academy:

1. On Friday 29 November 2019, while in a meeting with Staff Member 1 and Staff Member 2 he;
  - a. was under the influence of alcohol;
  - b. had consumed alcohol prior to attending the meeting.
2. On one or more occasions between 4 November 2019 and 2 December 2019 he;
  - a. was under the influence of alcohol;
  - b. consumed alcohol on the school premises.
3. On or around 25 November 2019, appeared "out of it" in such a way that Staff Member 3 did not feel comfortable in his presence and did not feel comfortable leaving him alone with one or more students.
4. On one or more occasions between 4 November and 2 December 2019, shouted at Staff Member 4, 'Yo, Biatch', or words to that effect.
5. On an unknown date between 4 November and 2 December 2019, failed to respond to Staff Member 5 in relation to safeguarding concerns involving students being left alone in a classroom.

Mr Langley admitted the facts of allegations 1 to 5 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the response to notice dated 3 January 2021 and the statement of agreed facts signed by Mr Langley on 11 March 2021.

## Preliminary applications

There were no preliminary applications.

## Summary of evidence

### Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 12
- Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 17
- Section 4: Teaching Regulation Agency documents – pages 18 to 51
- Section 5: Teacher documents – pages 52 to 60

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting. The panel further acknowledged the contents of an email dated 9 July 2021 from Mr Langley’s legal representative, Mr Jonathan Bacon, to the TRA indicating that Mr Langley was content for the meeting to proceed on 12 July 2021.

### Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Langley on 11 March 2021.

### Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Langley for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

In summary, Mr Langley was employed as a year 4 class teacher by St Oswald’s Church of England Primary Academy (“the School”) from 4 November 2019 until he resigned on 2 December 2019.

On 29 November 2019, Individual A, held a meeting with Mr Langley in which it was alleged that Mr Langley was intoxicated.

On 29 November 2019, a member of staff made Individual A aware of staff concerns regarding Mr Langley which took place between 4 November and 29 November 2019. Staff members were interviewed, and statements were taken.

On 4 December 2019, the School referred the matter to the LADO. Furthermore, on 13 March 2020, the School referred the matter to the TRA.

## **Findings of fact**

The findings of fact are as follows:

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

- 1. On Friday 29 November 2019, while in a meeting with Staff Member 1 and Staff Member 2 you:**
  - a. were under the influence of alcohol**
  - b. had consumed alcohol prior to attending the meeting.**

The panel noted that in the statement of agreed facts, which Mr Langley signed on 11 March 2021, Mr Langley had admitted the facts of allegations 1(a) and 1(b).

Notwithstanding the statement of agreed facts, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel considered the notes from the meeting held on 29 November 2019 which stated that during the meeting it was clear that Mr Langley was intoxicated as he smelled strongly of alcohol, and had not presented himself like that earlier in the day during a breakfast briefing meeting.

The panel also noted the record of the initial meeting with Mr Langley on 2 December 2019 contained in the bundle. The panel noted that Mr Langley immediately admitted that he had had a significant amount of alcohol to drink and accepted that he was under the influence of alcohol.

The panel was satisfied, on Mr Langley's admissions which followed advice from his professional representative and the witness evidence before them, that the allegations were proved on the balance of probabilities.

The panel found the particulars of allegations 1(a) and 1(b) proved.

- 2. On one or more occasions between 4 November 2019 and 2 December 2019 you:**

**a. were under the influence of alcohol**

**b. consumed alcohol on the school premises.**

The panel noted that in the statement of agreed facts, which Mr Langley signed on 11 March 2021, Mr Langley had admitted the facts of allegations 2(a) and 2(b).

Notwithstanding the statement of agreed facts, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel considered the initial investigation notes taken between November and December 2019, with accounts from several of Mr Langley's colleagues.

The panel was satisfied, on Mr Langley's admissions which followed advice from his professional representative and the witness evidence before them, that the allegations were proved on the balance of probabilities.

The panel found the particulars of allegations 2(a) and 2(b) proved.

**3. On or around 25 November 2019, appeared "out of it" in such a way that Staff Member 3 did not feel comfortable in your presence and did not feel comfortable leaving you alone with one or more students.**

The panel noted that in the statement of agreed facts, which Mr Langley signed on 11 March 2021, Mr Langley had admitted the facts of allegation 3.

Notwithstanding the statement of agreed facts, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel noted that this allegation was based solely on how Staff Member 3 was made to feel by Mr Langley. Documentary evidence was provided to the panel by Staff Member 3 in respect of this allegation. The panel noted that there was no evidence to the contrary and that Mr Langley had made admissions to his conduct being as alleged.

The panel found the particulars of allegation 3 proved.

**4. On one or more occasions between 4 November and 2 December 2019, shouted at Staff Member 4, 'Yo, Biatch', or words to that effect.**

The panel noted that in the statement of agreed facts, which Mr Langley signed on 11 March 2021, Mr Langley had admitted the facts of allegation 4.

Notwithstanding the statement of agreed facts, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel noted the documentary evidence of Staff Member 4 and that there was no conflicting evidence of this witness account before them. Mr Langley had made admissions to the conduct alleged.

The panel found the particulars of allegation 4 proved.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**5. On an unknown date between 4 November and 2 December 2019, failed to respond to Staff Member 5 in relation to safeguarding concerns involving students being left alone in a classroom.**

The panel noted that in the statement of agreed facts, which Mr Langley signed on 11 March 2021, Mr Langley had admitted the facts of allegation 5.

Notwithstanding the statement of agreed facts, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel's assessment of the documentary evidence before them was that it lacked sufficient clarity and substance. The panel was of the view that the evidence was vague and open to misinterpretation given it was based on assumptions. In light of this, despite Mr Langley admitting the allegation in the statement of agreed facts signed on 11 March 2021, the panel were not satisfied that the allegation had been proved on the balance of probabilities.

The panel found the particulars of allegation 5 not 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 and/or conduct that may bring the profession into disrepute. 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 Langley in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Langley was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by



- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- 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 was satisfied that the conduct of Mr Langley fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Langley's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel considered that it was wholly inappropriate and a significant breach of the Teachers Standards for Mr Langley to be under the influence of alcohol whilst on school premises and carrying out his teaching duties. As a result, the panel concluded that public confidence in the profession would be weakened.

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

The panel took into account the way 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 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 they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Langley's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 to 4 proved, the panel further found that Mr Langley's conduct amounted to both unacceptable professional conduct and 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 in this case, namely the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings and full admissions made by Mr Langley to being under the influence of alcohol on school premises, whilst carrying out his teaching duties and making inappropriate comments to colleagues, there was a strong public interest consideration respect of the protection of pupils.

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

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

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Langley. The panel took further account of the Advice, which suggests that a prohibition

order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

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

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 there was no evidence that Mr Langley's actions were not deliberate. There was no evidence to suggest that Mr Langley was acting under duress.

The panel considered the following mitigating circumstances:

- Mr Langley began working at the School in 2019, following a [REDACTED]
- Mr Langley had [REDACTED]
- Mr Langley had [REDACTED]
- Mr Langley has taken steps to rehabilitate himself. Mr Langley attended a [REDACTED]
- The panel considered a letter from [REDACTED], dated 10 March 2021, [REDACTED] Mr Langley fully admitted the allegations and co-operated with all elements of the investigation.
- Mr Langley has a previously good history having been in the profession for over 20 years.
- Mr Langley, in his witness statement, expressed genuine remorse and showed good insight in to his conduct.
- The panel concluded it was strong mitigation that the conduct occurred over a short period of time, in a new school, when Mr Langley was in [REDACTED]

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Langley 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 Langley. Being under the influence of alcohol within the school environment is a fundamental breach of the Teaching Standards and therefore was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period but the panel did not consider that any of these applied to Mr Langley.

The panel considered that Mr Langley's actions were serious but also considered that, with [REDACTED]; there may be a time in the future that he would be able to contribute once again to the teaching profession.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a two 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 one of the allegations not proven, I have therefore put that matter entirely from my mind.

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

In particular, the panel has found that Mr Langley is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others
- 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 finds that the conduct of Mr Langley fell significantly short of the standards expected of the profession.

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 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 Langley, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings and full admissions made by Mr Langley to being under the influence of alcohol on school premises, whilst carrying out his teaching duties and making inappropriate comments to colleagues, there

was a strong public interest consideration respect of the protection of pupils". 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 sets out as follows, "Mr Langley, in his witness statement, expressed genuine remorse and showed good insight in to his conduct."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "it was wholly inappropriate and a significant breach of the Teachers Standards for Mr Langley to be under the influence of alcohol whilst on school premises and carrying out his teaching duties. As a result, the panel concluded that public confidence in the profession would be weakened."

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, 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 Langley himself and the panel comment "Mr Langley has a previously good history having been in the profession for over 20 years."

A prohibition order would prevent Mr Langley 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 considered the mitigating circumstances, including the steps Mr Langley had taken to rehabilitate himself and he had fully admitted the allegations and co-operated with all elements of the investigation. I have also placed considerable weight on the following comments "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 Langley. Being under the influence of alcohol within the school environment is a fundamental breach of the Teaching Standards and therefore was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Langley 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, 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 two year review period.

I have considered the panel's comments "The panel considered that Mr Langley's actions were serious but also considered that, with [REDACTED]; there may be a time in the future that he would be able to contribute once again to the teaching profession."

I have decided that a two 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.

**This means that Mr James Langley 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 14 July 2023, two 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 Langley remains prohibited from teaching indefinitely.

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

Mr Langley 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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 14 July 2021**

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