



Teaching  
Regulation  
Agency

# **Miss Luchia Ellis: Professional conduct panel meeting outcome**

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

**April 2023**

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

**Teacher:** Miss Luchia Ellis

**TRA reference:** 0020452

**Date of determination:** 18 April 2023

**Former employer:** Torquay Boys' Grammar School, Torquay

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 18 April 2023 remotely via Microsoft Teams to consider the case of Miss Ellis.

The panel members were Christine McLintock (teacher panellist – in the chair), Nigel Shock (lay panellist) and Jeremy Phillips KC (lay panellist).

The legal adviser to the panel was Sarah Price of Blake Morgan 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 Miss Ellis that the allegation be considered without a hearing. Miss Ellis provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer or Miss Ellis.

The meeting took place in private.

## Allegations

The panel considered the allegation set out in the Notice of Meeting dated 2 February 2023.

**It was alleged that Miss Ellis was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Teacher of Technology at Torquay Boys' Grammar School between September 2021 and December 2021:**

- 1. On or around 11 November 2021, she brought alcohol onto School premises;**
- 2. On or around 11 November 2021 she consumed alcohol whilst on school premises and/or during school hours;**
- 3. On or around 11 November 2021 she displayed unprofessional behaviour by falling asleep in her classroom during teaching hours;**
- 4. Her conduct as may be found proven at Allegation 1, 2 and/or 3, above resulted in the safety and welfare of students under her care being endangered.**

Miss Ellis accepted the allegation in its entirety and that her conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## 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: Notice of Referral, Response and Notice of Meeting – pages 5 to 11

Section 2: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 17

Section 3: Teaching Regulation Agency Documents – pages 19 to 190

Section 4: Teacher Documents – pages 192 to 225

The panel was also provided with a copy of the Notice of Meeting, dated 2 February 2023, which was provided separate from the bundle.

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

## **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Miss Ellis on 31 October 2022.

## **Decision and reasons**

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Miss Ellis for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest.

Miss Ellis was employed as a Teacher of Technology at Torquay Boys' Grammar School ("the School") from 1 September 2021 to 3 December 2021. On 11 November 2021, Miss Ellis was found asleep in the classroom where she was teaching, by another teacher at the School. The School investigated the incident and following a disciplinary hearing, Miss Ellis was dismissed by the School.

## **Findings of fact**

The findings of fact are as follows:

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

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Teacher of Technology at Torquay Boys' Grammar School between September 2021 and December 2021:**

### **1. On or around 11 November 2021, you brought alcohol onto School premises;**

In the statement of agreed facts, Miss Ellis accepted that she brought two vodka bottles into the School, and that although the bottles were empty when discovered, at least one had contained alcohol when she had brought them into the School.

This particular of the allegation was admitted and was supported by evidence presented to the panel within the bundle. Particular 1 is found proved.

**2. On or around 11 November 2021 you consumed alcohol whilst on school premises and/or during school hours;**

In the statement of agreed facts, Miss Ellis accepted that during lunchtime on 11 November 2021, she had consumed alcohol from one of the two vodka bottles she had brought into the School.

This particular of the allegation was admitted and was supported by evidence presented to the panel within the bundle. Particular 2 is found proved.

**3. On or around 11 November 2021 you displayed unprofessional behaviour by falling asleep in her classroom during teaching hours;**

In the statement of agreed facts, Miss Ellis accepted that during period 4 of the school day, she fell asleep in the classroom. She agreed that this was unprofessional.

This particular of the allegation was admitted and was supported by evidence presented to the panel within the bundle. Particular 3 is found proved.

**4. Her conduct as may be found proven at Allegation 1, 2 and/or 3, above resulted in the safety and welfare of students under her care being endangered.**

In the statement of agreed facts, Miss Ellis accepted that bringing alcohol into the School created a risk to students, in that alcohol was potentially accessible to students. Further, Miss Ellis accepted that her conduct at 2 and 3 above meant that she was unable to carry out her professional responsibilities, including her duties of supervising and engaging with students and ensuring students were safe in the classroom. Miss Ellis accepted she placed students at a risk of harm.

The panel considered that the risk was further heightened as it was in a technology room that Miss Ellis' conduct had occurred.

This particular of the allegation was admitted and was supported by evidence presented to the panel within the bundle. Particular 4 is found proved.

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

Having found the allegation 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 Miss Ellis in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Miss Ellis 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 Miss Ellis fell significantly short of the standards expected of the profession.

The panel also considered whether Miss Ellis conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences were relevant.

Accordingly, the panel was satisfied that Miss Ellis was guilty of unacceptable professional conduct.

The panel then considered whether Miss Ellis' conduct brought the profession into disrepute. It 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 Miss Ellis' actions constituted conduct that may bring the profession into disrepute.

In summary, having found the allegation proved, the panel further found that Miss Ellis' 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and striking the right balance between the right of the teacher and the public interest.

There was a strong public interest consideration in respect of the protection of pupils given the findings of placing pupils at risk. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Ellis were 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 Miss Ellis 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 Miss Ellis.

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 Miss Ellis. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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.

The panel considered that at the time of the conduct Miss Ellis had [REDACTED]. Miss Ellis stated in her written statement that [REDACTED]. The panel considered therefore that it was likely that Miss Ellis was not thinking straight at the time of her conduct. Miss Ellis decided to take a small amount of alcohol. [REDACTED] her judgment was likely to have been clouded and the panel cannot conclude that her decision to take alcohol was deliberate. Miss Ellis stated, "[REDACTED]."

The panel found that Miss Ellis was not acting under duress.

The panel noted that this was a one-off incident and there was no evidence she had repeated the behaviour prior to the date of the allegation. The panel was not provided with any evidence that Miss Ellis had anything other than a previous good history.

The panel found that Miss Ellis has demonstrated a significant and genuine level of remorse and insight. The panel noted that Miss Ellis stated in her written statement, "*I do not deny that I was wrong, and is something I have been unable to forgive myself for to this day*". Miss Ellis also wrote, "*I fully accept responsibility for my disgraceful, shameful and careless behaviour...I by no means aim to condone, seek forgiveness, nor aim to provide justification for my actions...*".

The panel was mindful that Miss Ellis [REDACTED] which had an impact on her conduct. Miss Ellis wrote in her written statement, "[REDACTED]".

Miss Ellis also stated "[REDACTED]".

The panel considered that Miss Ellis [REDACTED].

Miss Ellis was two months in to her newly qualified teaching year, so she had not been able to demonstrate an exceptional contribution to the profession. However, the panel did note that Miss Ellis has demonstrated a passion for teaching. In particular, she had indicated a desire to teach Design Technology. In her written statement she wrote "*...I wanted to teach Design Technology, as I always wanted to inspire creativity and encourage individuals to feel safe enough to put forth any brilliantly imaginative idea...*".

The panel considered that Miss Ellis clearly has a genuine commitment to Design Technology and felt she had potential to be a role model for students in the future.

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, recommending no prohibition order was a proportionate and appropriate response. Given the conduct was at the less serious end, and having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that following her summary dismissal from the School, the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

The panel was also satisfied that the robustness of the recruiting process in the profession would be able to identify and manage any potential risk of repetition from the information identified in these reasons.

## **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.

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 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 recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Luchia Ellis 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 finds that the conduct of Miss Ellis fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of consuming alcohol whilst on school premises and/or during school hours.

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 Miss Ellis, 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/safeguard pupils. The panel has observed, "In the statement of agreed facts, Miss Ellis accepted that bringing alcohol into the School created a risk to students, in that alcohol was potentially accessible to students. Further, Miss Ellis accepted that her conduct at 2 and 3 above meant that she was unable to carry out her professional responsibilities, including her duties of supervising and engaging with students and ensuring students were safe in the classroom. Miss Ellis accepted she placed students at a risk of harm." The panel also observed, "The panel considered that the risk was further heightened as it was in a technology room that Miss Ellis' conduct had occurred." 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, "The panel found that Miss Ellis has demonstrated a significant and genuine level of remorse and insight." 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Ellis were not treated with the utmost seriousness when regulating the conduct 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, 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 Miss Ellis herself, the panel comment “Miss Ellis was two months in to her newly qualified teaching year, so she had not been able to demonstrate an exceptional contribution to the profession. However, the panel did note that Miss Ellis has demonstrated a passion for teaching” A prohibition order would prevent Miss Ellis from teaching and clearly deprive the public of her contribution to the profession for the period that it is in force.

I have also placed considerable weight on the comments of the panel in relation to the severity of the conduct, “The panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response. Given the conduct was at the less serious end, and having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that following her summary dismissal from the School, the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.”

I have also considered the panels observation that, “this was a one-off incident”.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



**Decision maker: John Knowles**

**Date: 21 April 2023**

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