



National College for
Teaching & Leadership

Van Lambie-Nairn: Professional conduct panel outcome

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

October 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher: Mr Van Lambie-Nairn

Teacher ref number: 0960604

Teacher date of birth: 29 April 1973

NCTL case reference: 0011211

Date of determination: 9 October 2015

Former employer: School in London

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 09 October 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Van Lambie-Nairn.

The panel members were Mr Martin Greenslade (lay panellist – in the chair), Mr John Pemberton (teacher panellist) and Ms Bridget Evans (former teacher panellist).

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

The presenting officer for the National College was Mr Ian Perkins (Browne Jacobson LLP) and was not present.

Mr Lambie-Nairn was not present and was not represented.

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 Proceedings dated 15 October 2014.

It was alleged that Mr Van Lambie-Nairn was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at a School in London, he failed to ensure adequate supervision of a number of students in his care in respect to an educational trip abroad, in that he:

1. Consumed alcohol with under aged students;
2. Left students unsupervised in a bar;
3. Failed to check students into the apartment rigorously;
4. Failed to monitor the sleeping arrangements of students; and
5. Failed to carry out an adequate risk assessment.

Mr Lambie-Nairn has admitted the facts of the allegations referred to at 1-5 above in the statement of agreed facts, albeit that the stem of the allegations slightly differs due to the fact the name of the School is now anonymised and there is no reference to the location of the school trip. The panel did not consider that any difference in the stem of the allegations is substantive. He has also admitted that the facts of the allegations against him amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised student list and list of key people – pages 1 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 27

Section 3: Statement of Agreed Facts – pages 28 to 33

Section 4: National College documents – pages 34 to 70

Section 5: Teacher documents – pages 71 to 74

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

Witnesses

As this was listed as 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 meeting.

Mr Lambie-Nairn had been employed at the relevant School in London (“the School”) between 22 October 2012 and 31 December 2013 as a teacher. In September 2013, Mr Lambie-Nairn led a school trip comprising four 17 year old students with a senior colleague. During this trip the students were permitted to drink alcohol and return home from a bar unsupervised.

Findings of fact

Our 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 whilst employed as a teacher at a School in London you failed to ensure adequate supervision of a number of students in your care in respect to an educational trip abroad, in that you:

1. Consumed alcohol with under aged students;

This allegation has been admitted in the statement of agreed facts and therefore is found proved.

2. Left students unsupervised in a bar;

This allegation has been admitted in the statement of agreed facts and therefore is found proved.

4. Failed to monitor the sleeping arrangements of students;

This allegation has been admitted in the statement of agreed facts and therefore is found proved.

5. Failed to carry out an adequate risk assessment.

This allegation has been admitted in the statement of agreed facts and therefore is found proved.

The panel has found the following particular of the allegations against you not proven, for these reasons:

3. Failed to check students into the apartment rigorously;

The panel noted that Mr Lambie-Nairn admitted this allegation in the statement of agreed facts. However, the panel did not consider that Mr Lambie-Nairn had responsibility for checking the students in, given that, as he states in the statement of agreed facts, Mr Lambie-Nairn had agreed that as he was feeling unwell, the senior member of staff that accompanied him on the trip would take over responsibility for checking the students in on their return. The panel therefore found this allegation not proved.

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

Having found allegation 1, 2, 4 and 5 to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Lambie-Nairn in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Lambie-Nairn 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 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 Lambie-Nairn fell significantly short of the standards expected of the profession as he allowed four 17 year old students to consume

alcohol in his presence and then left them unsupervised in the bar, which failed to demonstrate adequate concern and safeguarding.

The panel has also considered whether Mr Lambie-Nairn's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

The panel notes that the allegations took place outside of the education setting when Mr Lambie-Nairn accompanied four students on a school trip abroad. The behaviour displayed by Mr Lambie Nairn affects the way he fulfils his teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way, given that he willingly and voluntarily consumed alcohol with the four students on the trip and took a conscious decision to leave the students in the bar unsupervised.

Accordingly, the panel is satisfied that Mr Lambie-Nairn 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 are serious and the conduct displayed would likely have a negative impact on Mr Lambie-Nairn's status as a teacher, potentially damaging the public perception. Failing to carry out an adequate risk assessment that identified the full range of risks posed by the venue and location of the school trip is certainly damaging to the public perception.

The panel therefore finds that Mr Lambie-Nairn'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.

In light of the panel's findings against Mr Lambie-Nairn, which involved Mr Lambie-Nairn consuming alcohol with four under aged pupils, leaving those students in a bar unsupervised and expecting them to walk back to accommodation alone, there is a strong public interest consideration in respect of the protection of pupils. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lambie-Nairn 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 Lambie-Nairn was outside that which could reasonably be tolerated.

Notwithstanding the 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 Lambie-Nairn.

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 Lambie-Nairn. 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, and particularly where there is a continuing risk;

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 of the behaviour in this case. The panel considers that Mr Lambie-Nairn's conduct relating to consuming alcohol with four underage students, leaving them unsupervised and failing to undertake a detailed and adequate assessment of all the potential risks posed by the location and venue, was a serious departure from the professional standards expected of a teacher.

The panel considered that Mr Lambie-Nairn's actions were deliberate and did not consider that he was acting under duress.

There is limited information in the panel's bundle of documents which relates to Mr Lambie-Nairn's previous history of teaching. However, it appears from the character references from two of Mr Lambie-Nairn's colleagues during the period 2012/2013, one a fellow teacher, another the school counsellor, that they regarded him as a "consummate" professional during this period. In addition, he "carefully planned educational trips" designed to broaden students' minds. The panel placed little weight on such representations given their findings of unacceptable professional conduct and conduct which may bring the profession into disrepute.

It is clear to the panel, from the references from his two colleagues and Mr Lambie-Nairn himself, that he has been severely affected by the events that led to the incidents during the September 2013 school trip. He comments in the mitigation statement included in the bundle that he is "genuinely sorry" for his professional actions and decisions or that he may have brought the teaching profession into disrepute. The panel noted that Mr Lambie-Nairn has been experiencing difficulties and health issues since these events.

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 Lambie-Nairn as his lack of safeguarding awareness caused unacceptable risk to all those on the school trip. 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 for them to decide to recommend that a review period of the order should be considered. The panel were 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. None of these behaviours were relevant.

Mr Lambie-Nairn has expressed significant remorse and regret for his behaviour and fully admits, in the statement of agreed facts that his actions were inappropriate. Even though the panel's findings against Mr Lambie-Nairn are serious, he did not display through his conduct any of the behaviours set out in the Advice that would indicate a lifetime prohibition without review would be appropriate. Therefore the panel considered this 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 provision for a review period of 3 years. The panel indicated that it would expect Mr Lambie-Nairn, to demonstrate clearly, should he make an application for a review, greater insight into the safeguarding needs of students in his care.

Decision and reasons on behalf of the Secretary of State

I have given this case very careful consideration. I have given very careful consideration also to the advice of the panel on both the issue of sanction and review period.

This case involves conduct that the panel has found to fall significantly short of the standards expected of the profession, namely that Mr Lambie-Nairn allowed four 17 year old students to consume alcohol in his presence and then left them unsupervised in the bar, which failed to demonstrate adequate concern and safeguarding.

It is evident that the behaviour displayed by Mr Lambie-Nairn affected the way he fulfilled his teaching role.

I have taken into account the need to be proportionate and to balance the public interest and the interest of the teacher. I have also taken into account the guidance published by the Secretary of State on factors that should be taken into account when considering prohibition.

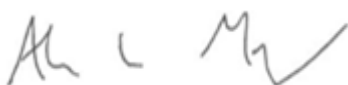
I support the recommendation of the panel that Mr Lambie-Nairn should be prohibited.

I have also considered the recommendation of the panel regarding a review period. I support the recommendation of the panel for the reasons that are given that a 3 year review period is proportionate.

This means that Mr Van Lambie-Nairn 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 20 October 2018, 3 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 Van Lambie-Nairn remains prohibited from teaching indefinitely.

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

Mr Van Lambie-Nairn 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: 14 October 2015

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