



National College for
Teaching & Leadership

Mr Niall O'Hagan: Professional conduct panel outcome

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

August 2016

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

Teacher: Mr Niall O'Hagan
Teacher ref number: 0447549
Teacher date of birth: 8 August 1980
NCTL case reference: 14756
Date of determination: 31 August 2016
Former employer: St Bede's College, Manchester

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 31 August 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Niall O'Hagan.

The panel members were Mr John Pemberton (former teacher panellist – in the chair), Ms Gillian Seager (lay panellist) and Mr Colin Parker (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobsen LLP solicitors.

Mr O'Hagan was present and was represented by Mr Stephen Bishop of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 4 July 2016.

It was alleged that Mr O'Hagan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a teacher at St Bede's College, Manchester he:

- 1) Lead a school trip to Lourdes, France where he
 - a. was drunk whilst in charge of students including:
 - i. at a morning mass on 4 August 2015;
 - ii. at Lac da Lourdes on 4 August 2015;
 - iii. on the morning of 5 August 2015;
 - iv. at a fancy dress party on 5 August 2015;
 - b. left students unsupervised at their hotel including when:
 - i. he was drinking alcohol elsewhere on 3 August 2015 until approximately 4am on 4 August 2015;
 - ii. he was drinking alcohol elsewhere on the evening of 4 August 2015;
 - iii. a student was having a panic attack on or around 5 August 2015;
 - c. provided one or more students with alcohol including:
 - i. giving them vodka in a hotel room on 5 August 2015;
 - ii. purchasing wine for them to consume;
 - d. as a result of 1(a)-(c) above, was relinquished of his duties and sent home.
 - e. His conduct at 1(a) and/or 1(b) and/or 1(c) above was contrary to:
 - i. the School's policy;
 - ii. Salford Diocese policy;
 - iii. Department of Education Health and Safety advice on Legal Duties and Powers;
 - iv. Health and Safety guidance "School trips and outdoor learning activities";

v. ROSPA guidance "Planning and leading educational visits".

Mr O'Hagan admitted the alleged facts and also that the admitted facts amount to unacceptable professional conduct/ conduct that may bring the profession into disrepute.

C. Preliminary applications

Amendment of the allegation

The panel amended particular 1d of the allegation to refer to '1(a)-(c)' in substitution for '1(a)-(d)'.

Application to admit additional document

Mr Bishop made an application to admit an additional document, consisting of a statement of Witness B. The presenting officer confirmed that there were no objections to the admission of this document and the panel agreed that it should be admitted.

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 Proceedings and Response – pages 3 to 9

Section 3: Statement of agreed facts – pages 11 to 13

Section 4: NCTL documents – pages 14 to 41

Section 5: Teacher documents – pages 42 to 48

In addition, the panel agreed to accept a statement from Witness B, which was added to section 5 of the bundle as pages 49 to 51.

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

Witnesses

The panel heard oral evidence from the following witnesses called by Mr Bishop at the mitigation stage:

Mr Niall O'Hagan

Witness A, Alcoholics Anonymous Counsellor

Witness B, Deputy Headteacher

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Between 31 August 2005 and 30 September 2015, Mr O'Hagan was employed as a teacher of physics at St Bede's College, Manchester ("the School"). He had been appointed Head of House in 2015. In August 2015 Mr O'Hagan was the designated leader of a school trip for students aged 16 to 18 to Lourdes in France. This was an annual trip linked to the local Salford Diocese. Teachers and pupils from various institutions in the Salford area would travel to Lourdes to give support and assistance to elderly and unwell pilgrims.

Mr O'Hagan has signed a statement of agreed facts in which he admits that he drank alcohol and became drunk whilst in charge of students on 3, 4 and 5 August, prior to being sent home on 6 August. Mr O'Hagan admits he was drinking alcohol elsewhere on 3 August and this continued until 4am on 4 August 2015; as a result, he was still under the influence of alcohol when he attended morning mass on that day.

Mr O'Hagan has also admitted that he left students unsupervised on 3, 4 and 5 August in the circumstances set out in allegation 1(b) i,ii and iii.

Mr O'Hagan also admitted providing one or more students with alcohol, including giving them vodka in a hotel room on 5 August 2015 and purchasing wine for them to consume whilst on the trip.

As a result of this conduct, Mr O'Hagan was relinquished of his duties and sent home on 6 August 2015.

Findings of fact

The panel's findings of fact are as follows:

Whilst employed as a teacher at St Bede's College, Manchester you:

1) Lead a school trip to Lourdes, France where you:

a. were drunk whilst in charge of students including:

i. at a morning mass on 4 August 2015;

- ii. at Lac da Lourdes on 4 August 2015;
 - iii. on the morning of 5 August 2015;
 - iv. at a fancy dress party on 5 August 2015;
- b. left students unsupervised at their hotel including when:
- i. you were drinking alcohol elsewhere on 3 August 2015 until approximately 4am on 4 August 2015;
 - ii. you were drinking alcohol elsewhere on the evening of 4 August 2015;
 - iii. a student was having a panic attack on or around 5 August 2015;
- c. provided one or more students with alcohol including:
- i. giving them vodka in a hotel room on 5 August 2015;
 - ii. purchasing wine for them to consume;
- d. as a result of 1(a)-(c) above, were relinquished of your duties and sent home.
- e. Your conduct at 1(a) and/or 1(b) and/or 1(c) above was contrary to:
- i. the School's policy;
 - ii. Salford Diocese policy;
 - iii. Department of Education Health and Safety advice on Legal Duties and Powers;
 - iv. Health and Safety guidance "School trips and outdoor learning activities";
 - v. ROSPA guidance "Planning and leading educational visits".

The panel has found the facts of the allegations proven based on Mr O'Hagan's admissions and the agreed statement of facts.

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

Having found the allegations 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.

Mr O'Hagan has admitted that his conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel had taken these admissions into account, but formed its own judgment.

The panel noted that Mr O'Hagan was an experienced teacher and had recently been promoted to the role of Head of House. He had also agreed to be the designated leader of the trip, having been on several pilgrimages over the years. As a consequence of being the designated leader, Mr O'Hagan had a duty of care for the pupils and, because of his actions, he failed to carry out this duty. As a result, he endangered the safety of those in his care and did not carry out his supervisory duties in a professional manner. Mr O'Hagan has acknowledged that he had safeguarding training. In a meeting with his former headteacher on 19 August 2015, Mr O'Hagan confirmed he had undertaken the Diocese of Salford safeguarding training, which included rules regarding alcohol and how to report concerns regarding fellow colleagues and students. He also confirmed that he had undertaken safeguarding training in the school with the senior deputy headteacher. It is the panel's opinion, Mr O'Hagan's actions demonstrated a distinct lack of regard for the training he had received. In providing one or more students with alcohol, Mr O'Hagan failed to maintain an appropriate professional boundary with the students.

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 O'Hagan in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr O'Hagan 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 O'Hagan amounted to serious misconduct which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr O'Hagan'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 is satisfied that Mr O'Hagan is guilty of unacceptable professional conduct.

In relation to bringing the profession into disrepute, 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.

Through his behaviour, Mr O'Hagan has not demonstrated high standards of professional conduct that one would expect of a teacher leading a school trip. Being visibly intoxicated, including at mass and on other public occasions, he has failed to present an appropriate role model to his students, his colleagues and members of the public.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on Mr O'Hagan's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr O'Hagan's actions also 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 O'Hagan, there is a strong public interest consideration in respect of the protection of pupils given the serious findings that Mr O'Hagan had a duty of care for the pupils and, because of his actions, failed to carry out this duty and as a result, he endangered the safety of those in his care. He did not carry out his supervisory duties in a professional manner and with due regard to safeguarding, despite having received training on at least two separate occasions prior to the trip.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr O'Hagan were not treated with the

utmost seriousness when regulating the conduct of the profession. Through his behaviour, Mr O'Hagan has not demonstrated high standards of professional conduct that one would expect of a teacher leading a school trip. Being visibly intoxicated, including at mass and on other public occasions, he has failed to present an appropriate role model to his students, his colleagues and members of the public. The findings of misconduct are serious and the conduct displayed would likely have a negative impact on Mr O'Hagan's status as a teacher, potentially damaging the public perception.

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 O'Hagan was outside that which could reasonably be tolerated by members of the profession or the public.

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 O'Hagan.

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 O'Hagan. 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 well-being of pupils;
- Abuse of position or trust;

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.

In mitigation, the panel has heard evidence from Mr O'Hagan himself and witnesses called on his behalf, namely Witness A and Witness B. Mr O'Hagan stated in his evidence that his father passed away in July 2012, just before his first trip to Lourdes with the School, and that trip had been very special to him. He said that, in July 2015, he visited his mother who was not coping well with her grief and this brought his father's loss back to the front of his mind. This made this trip to Lourdes a particularly emotional experience for him. Mr O'Hagan also stated in his evidence that, the day after he was sent home, he made a decision to attend Alcoholics Anonymous and that he has been actively engaged with the programme since August 2015. Mr O'Hagan referred to the very positive impact that the programme has had upon his life. This was supported by Witness A, who stated in his evidence that he is Mr O'Hagan's Alcoholics Anonymous

Counsellor. He confirmed that Mr O'Hagan has been practising the programme of abstinence and recovery since August 2015. Witness A said that he has 'little doubt' that Mr O'Hagan will succeed in his programme of recovery. He stressed that Mr O'Hagan is actively helping others with their alcohol problems as well as helping himself. Witness B gave evidence in his capacity as Deputy Headteacher, where Mr O'Hagan worked as a teacher between 1 November 2015 until Summer 2016. Witness B said Mr O'Hagan informed the School of what had occurred in Lourdes and subsequently. In view of this, Witness B informed the panel that the School had intensely monitored Mr O'Hagan's performance in all aspects of school life. He added that Mr O'Hagan was completely professional in all that he had done during his time at the School. Witness B also stated that there were no complaints or concerns raised by pupils, parents or staff. He added that the School would have extended Mr O'Hagan's contract had it not been for these proceedings giving rise to a risk that the school might start the new school year 'a man down'.

The panel is satisfied that Mr O'Hagan's actions were deliberate, although as Mr O'Hagan has since acknowledged, he had, at that time, an underlying alcohol problem, which impacted on his behaviour and judgment.

Although Mr O'Hagan was not acting under duress, the panel accepts that Mr O'Hagan found the trip an emotional event, due to the death of his father at that particular time of year.

It was also reported to the panel that Mr O'Hagan has a previously good record.

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 O'Hagan. The seriousness of the conduct was a significant factor in forming that opinion. The panel noted that the misconduct took place over a period of several days and endangered the safety and well-being of pupils. 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 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 two years.

The panel accepts that Mr O'Hagan has demonstrated genuine remorse and insight and had made significant steps towards addressing his issues with alcohol. As confirmed by Witness A, who stated he had worked personally with Mr O'Hagan during the past 12 months. Mr O'Hagan took the initiative to go to Alcoholics Anonymous immediately on his return from the trip and has maintained his involvement to date.

The panel felt 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 provision for review after a period of two years. The panel concluded that Mr O'Hagan should have the opportunity to demonstrate to a future panel his suitability to resume teaching, with specific reference to having addressed his issues in relation to alcohol. The panel recommends a period of two years for review as this, with the current one year abstinence, would represent a total three year period following the events which led to this hearing.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation made by the panel both in respect of sanction and review period. In this case Mr O'Hagan has admitted the alleged facts and also that the admitted facts amount to unacceptable professional conduct and or conduct that may bring the profession into disrepute.

The panel in this case has found that Mr Mr O'Hagan 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.

I am satisfied that the conduct of Mr O'Hagan amounted to serious misconduct which fell significantly short of the standards expected of the profession.

In this case Mr O'Hagan's behaviours also impacted upon the well-being of pupils. I have also noted the panel's comments on the mitigation that is present in this case. The panel has shown how it is satisfied that Mr O'Hagan's actions were deliberate, although as Mr O'Hagan has since acknowledged, he had, at that time, an underlying alcohol problem, which impacted on his behaviour and judgment.

Although Mr O'Hagan was not acting under duress, the panel accepts that Mr O'Hagan found the trip an emotional event, due to the death of his father at that particular time of year.

I have taken into account the guidance published by the Secretary of State. I have also taken into account the need to be proportionate.

On balance, in this particular case, because the behaviours of Mr O'Hagan did impact on the welfare of pupils, I agree with the recommendation of the panel that a prohibition order is appropriate.

I have also taken into account the recommendation made by the panel in respect of a review period. In this case the panel has said that Mr O'Hagan should have the opportunity to demonstrate to a future panel his suitability to resume teaching, with specific reference to having addressed his issues in relation to alcohol. The panel recommends a period of two years for review as this, with the current one year abstinence, would represent a total three year period following the events which led to this hearing. For those reasons I agree with that recommendation.

This means that Mr Niall O'Hagan 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 12 September 2018, 2 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 Niall O'Hagan remains prohibited from teaching indefinitely.

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

Mr Niall O'Hagan 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: 2 September 2016

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