



National College for
Teaching & Leadership

Mr Kristian Charles Lasslett: Professional conduct panel outcome

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

October 2016

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

Teacher: Mr Kristian Charles Lasslett

NCTL case reference: 13814

Date of determination: 19 October 2016

Former employer: Aylesford School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 17 to 19 October 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Kristian Charles Lasslett.

The panel members were Mrs Kathy Thomson (teacher panellist – in the chair), Mr Peter Cooper (teacher panellist) and Mr Maurice McBride (lay panellist).

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

The presenting officer for the National College was Ms Alexandra Tampakopoulos of 2 Hare Court chambers.

Mr Lasslett was present and was represented by Mr Philip Dayle of No 5 Chambers.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 21 March 2016:

It was alleged that Mr Lasslett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Aylesford School, Aylesford (“the School”):

1. He failed to maintain appropriate professional boundaries with Pupil A in that he:
 - a. engaged in an inappropriate relationship
 - b. exchanged flirtatious messages via Facebook
 - c. gave Pupil A the impression that, if she left the School, he would enter into a boyfriend/girlfriend relationship with her
 - d. gave Pupil A his mobile phone number
 - e. asked Pupil A to keep it a secret that he had given her his mobile phone number
 - f. made contact with Pupil A via her mobile phone, including late at night
 - g. posed for photographs with Pupil A
2. His actions set out at paragraph 1.a and/or b and/or c and/or d and/or e and/or f and/or g above were sexually motivated
3. During the investigation in June 2014, he stated that he had not given Pupil A his mobile phone number when in fact he had
4. His actions set out at paragraph 3 above were dishonest

Mr Lasslett has admitted the factual particulars of the above allegations save for allegations 1.c and 2. Therefore this case is proceeding as a disputed case.

C. Preliminary applications

There were no preliminary applications. However, the panel was advised that the parties had agreed that Pupil A, who is intending to be present at the National College’s offices, may give evidence via Skype which had been approved by the National College. However, the panel notified the parties that it is concerned that the Skype connection when the witness is also present in the building is extremely temperamental. The panel’s role in this hearing is to be investigative and to obtain, as far as possible, the best evidence available in the interests of justice. The panel are concerned that Skype from

within this building would not enable Pupil A to give the best evidence possible and were also concerned about the negative impact this would have on Mr Lasslett's case. The panel asked the presenting officer to discuss with Pupil A whether she would be willing to give evidence in person in the hearing room if Mr Lasslett was behind a screen. Pupil A was initially only willing to give evidence via Skype, however once the Skype connection broke down, she agreed to give oral evidence in the hearing room when Mr Lasslett was behind a screen.

In the course of the hearing, the teacher's representative applied for paragraph 22 of Pupil A's witness statement to be struck out as this contained information which is not relevant to the allegations. This was not opposed by the presenting officer. The panel agreed to accept this application and agreed to strike out paragraph 22 of Pupil A's witness statement.

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 4

Section 2: Notice of Proceedings and response – pages 5 to 13

Section 3: National College's witness statements – pages 14 to 32

Section 4: National College's documents – pages 33 to 221

Section 5: Teacher documents – pages 222 to 239

In addition, the panel agreed to accept the following:

Section 6: The panel also agreed to admit a supplemental bundle on behalf of Mr Lasslett which was paginated - pages 240 to 249.

Section 7: An email containing the directions approved by the National College in relation to the manner in which Pupil A was to give oral evidence - pages 250 and 251.

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 on behalf of the National College:

1. Pupil A
2. Witness A, the headteacher of the School

The following gave oral evidence on behalf of Mr Lasslett:

1. Mr Lasslett
2. Witness B, the partner of Mr Lasslett

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Lasslett joined the School in September 2010 as a physical education (“PE”) teacher. He was promoted to acting assistant headteacher on 1 September 2012 which was made permanent on 1 June 2013. In November 2012 Pupil A was questioned by the School about the nature of her relationship with Mr Lasslett and this investigation closed as there were no grounds to take any action against Mr Lasslett. In June 2014, Pupil A sent a letter to the School indicating that there had been inappropriate communication between herself and Mr Lasslett whilst she was a pupil of the School. Mr Lasslett was suspended from the School. Mr Lasslett was re-instated as assistant headteacher from 24 July 2014. Mr Lasslett was suspended again in November 2014 following further concerns about Mr Lasslett’s conduct. On 23 March 2015 Mr Lasslett was summarily dismissed from his post at the School.

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:

Whilst employed at Aylesford School, Aylesford (the “School”):

1. You failed to maintain appropriate professional boundaries with Pupil A in that you:

a. engaged in an inappropriate relationship

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation.

In her witness statement Pupil A indicated that she and Mr Lasslett were photographed together at the School prom. Shortly after this Pupil A sent a message to Mr Lasslett on Facebook to which Mr Lasslett responded. Further in her witness statement, Pupil A states that, throughout the summer holidays, from July 2011, Mr Lasslett and Pupil A communicated regularly by text message roughly every day to every other day. Further in her statement, Pupil A states that towards November 2012 the communication between Mr Lasslett and herself reduced and she would hear from him about once or twice a week instead. She confirmed, in her oral evidence, that Mr Lasslett did not respond to any further messages she sent after November 2012.

In her opening statement, the presenting officer submitted that Pupil A was 16 years old at the time.

In his statement, included in the bundle, Mr Lasslett states that he acted inappropriately by responding to the messages from Pupil A. He further stated in oral evidence that he deleted Pupil A’s mobile number and all the messages exchanged in December 2011. He did not contact Pupil A thereafter, following a staff briefing at the School about appropriate social media use.

Mr Lasslett admitted, in the course of the hearing, that these facts amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute. The panel saw a copy of four messages between Pupil A and Mr Lasslett included in the bundle, which contained inappropriate language for a teacher to send to a pupil. In his oral evidence Mr Lasslett said everything about how he communicated with Pupil A was inappropriate and against the Teachers’ Standards. This, in the panel’s view, was evidence of Mr Lasslett being engaged in an inappropriate relationship with Pupil A.

Taking all of the evidence into account the panel finds this sub-particular of allegation 1 proven.

d. gave Pupil A your mobile phone number

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation. Mr Lasslett also admitted this allegation in the course of the hearing. In his witness statement Mr Lasslett stated that he wrongly gave his mobile phone number to Pupil A so that he could communicate with her. He believed that she had poor internet connection for Facebook communication and that it would be easier to communicate via telephone/text message.

Mr Lasslett admitted, in the course of the hearing, that these facts amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

The panel had regard to the message included in the bundle in which a mobile phone number was given by Mr Lasslett to Pupil A. The panel finds this sub-particular of allegation 1 proven.

e. asked Pupil A to keep it a secret that you had given her your mobile phone number

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation. Mr Lasslett also admitted this allegation in the course of the hearing.

The panel had regard to Pupil A's witness statement in which she referred to a message from Mr Lasslett which stated he would trust Pupil A with his mobile number and he said, "please don't even tell nase1 that u have it, just easier....our lil secret plz!" Pupil A believed "nase1" was meant to be an abbreviation of "anyone". Pupil A took this message to mean that Mr Lasslett really liked her, she should keep his number and that she could not tell anyone as it was not right. She believed it would be "frowned upon" if Mr Lasslett went out with a pupil whilst she was at the School.

Mr Lasslett admitted, in the course of the hearing, that these facts amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute. He admitted that he should not have passed his mobile phone number on to Pupil A and he asked Pupil A to keep it secret as he knew he should not be communicating with a pupil via this medium.

The panel finds this sub-particular of allegation 1 proven.

f. made contact with Pupil A via her mobile phone, including late at night

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation. Mr Lasslett admitted this allegation in the course of

the hearing, however the teacher's representative submitted that Mr Lasslett would like to explore the evidence relating to this allegation in his evidence.

In her oral evidence, Pupil A stated that Mr Lasslett called Pupil A at one o'clock in the morning. In her statement she indicates that she could tell that Mr Lasslett was drunk during this conversation as he was slurring his words and being "quite flirty". When questioned by the panel, Mr Lasslett could not recall talking to Pupil A on the telephone at all, however he accepted there was a possibility that he might have, as Mr Lasslett did not wish to suggest that Pupil A was mistaken. In his statement, Mr Lasslett recalled that he exchanged messages with Pupil A in the early evening.

Mr Lasslett admitted, in the course of the hearing, that the factual particulars of this allegation amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

The panel finds this sub-particular of allegation 1 proven.

Stem in relation to allegation 1

The panel considers that each of the following sub-particulars of allegation 1 it has found proven, namely 1.a, d, e and f are evidence of Mr Lasslett failing to maintain appropriate professional boundaries with Pupil A.

3. During the investigation in June 2014, you stated that you had not given Pupil A your mobile phone number when in fact you had

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation. Mr Lasslett also admitted, in the course of the hearing, that these facts amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

The School undertook an investigation following receipt of the letter from Pupil A in June 2014 which outlined the nature of the communication between her and Mr Lasslett. Mr Lasslett's oral evidence was that he was asked about the communication he had had with Pupil A just after teaching one class when he was about to teach another and he panicked and lied about not having passed his mobile phone number on to Pupil A.

When he realised the significance of his actions and the seriousness of the School's investigation, he later admitted to the School that he gave his mobile phone number to Pupil A for which he apologised.

Accordingly, the panel finds this allegation proven.

4. Your actions set out at paragraph 3 above were dishonest

The panel was advised that it is required to have regard to a two stage test consisting of objective and subjective limbs that was first set out in the case of *R v Ghosh / Twinsectra*

Limited v Yardley and Others, as updated by the Court of Appeal case of *Dr Fazal Hussain v GMC*. These cases made clear that the balance of probabilities test applies to both of the limbs of the two stage test. The first question the panel must ask itself is, whether, on the balance of probabilities, Mr Lasslett's actions were dishonest by the standards of reasonable and honest members of that profession (i.e. teachers) or persons. This is the objective test.

Unfortunately, as a result of recent case law, the objective limb of the test and whether the standard to be applied is the standard of 'reasonable and honest members of the profession' or 'reasonable and honest people' is now the subject of uncertainty.

The panel was advised that in considering the objective limb, it must consider whether there is any evidence that the standard of reasonable and honest teachers differs in any way from the standard of reasonable and honest people.

The panel found the objective test established under *R v Ghosh and Twinsectra* was met. A reasonable and honest teacher or person would consider that Mr Lasslett's failure to admit that he had passed his mobile phone number to Pupil A was dishonest.

With the panel having found the objective test met, it was advised then, to consider whether it was more likely than not that Mr Lasslett realised that what he was doing was, by those objective standards, dishonest. In light of Mr Lasslett's admission that he panicked and initially stated that he had not passed on his mobile number (which was incorrect), it was clear he knew that what he was doing was dishonest. Therefore, the panel considered that the subjective test was met.

The panel finds this allegation proven on the balance of probabilities.

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

Whilst employed at Aylesford School, Aylesford (the "School"):

1. You failed to maintain appropriate professional boundaries with Pupil A in that you:

b. exchanged flirtatious messages via Facebook

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation.

The presenting officer submitted that on one occasion Mr Lasslett sent a message to Pupil A and told her in a message that she looked "hot". In his oral evidence Mr Lasslett denied that he had sent this message. In her oral evidence, Pupil A stated that Mr Lasslett did not directly flirt with her but she felt there was something in his messages, such as a wink or smiley face, that suggested that Mr Lasslett found her attractive. He

ended some of his messages with an “x” symbol. Pupil A stated, in oral evidence, that she began to use a nickname for Mr Lasslett and she saved his profile in her phone under the name “Krissy” to avoid her friends finding out that she was in contact with Mr Lasslett.

Witness A’s oral evidence was that in the course of the School’s investigation Mr Lasslett admitted that he communicated with Pupil A via Facebook and text messages. The panel saw evidence that other members of staff at the School had access to Pupil A’s Facebook page as “friends”. The panel also noted from Witness A’s report, included in the bundle, that Mr Lasslett knew that Pupil A had a crush on him and, despite this, engaged in communication to satisfy his “ego”. This communication was perceived by Pupil A to be flirtatious.

In his witness statement, Mr Lasslett states that he understands how his actions and words, even including small smiley faces in messages to Pupil A, may have given the wrong impression to her. However, he indicates that his messages were never intentionally flirtatious. He realises that it was inappropriate for him to have any communication beyond professional communication with a pupil.

The presenting officer submitted and the panel accepted that, “flirtatious” means suggesting playful sexual attraction to a person.

When questioned by the panel, Mr Lasslett stated in oral evidence that the abbreviated language and slang contained in his messages to Pupil A was similar to the language he would send work colleagues and friends when communicating about non-school business. Witness C stated that Mr Lasslett would frequently use smiley faces and kisses in messages to friends. The panel found the language used by Mr Lasslett in his messages to Pupil A on Facebook to be inappropriate but considered that the use of icons to denote smiles and kisses within the messages did not render the messages that Mr Lasslett sent to Pupil A on Facebook flirtatious. Such icons are frequently used when sending messages to friends and colleagues. For this reason the panel finds this allegation not proven.

c. gave Pupil A the impression that, if she left the School, you would enter into a boyfriend/girlfriend relationship with her

Mr Lasslett does not admit the factual particulars of this allegation. The presenting officer submitted that this is a factual issue for the panel to determine. In his witness statement, Mr Lasslett states that he never made any communication that he believes would “even closely” suggest he would enter into a boyfriend/girlfriend relationship with Pupil A.

Pupil A further confirmed, in her oral evidence, that Mr Lasslett said words to the effect that it was frustrating or annoying that he could not be with Pupil A and it would not be so “bad” if she were not at the School. Pupil A thought that there would be a law or a school rule that would prevent them being together in a romantic way (this being reinforced by a

contemporaneous news report of a teacher and a pupil running away together). Pupil A's oral evidence was that, on more than one occasion, Mr Lasslett said that he "liked" her.

Pupil A further stated, in oral evidence, that Mr Lasslett told her he was having problems with his girlfriend, in that he did not think the relationship was going anywhere. Mr Lasslett denied that he spoke to Pupil A about his girlfriend and or that there were problems between them. They got engaged in 2013. Witness C's oral evidence was that in the six years that she and Mr Lasslett have been together they had never had any relationship problems and plan to marry.

Pupil A commented in her oral evidence that it is possible that she misjudged Mr Lasslett's interest in her, however she considers that she must have formed that judgement for a reason and felt she reasonably believed that Mr Lasslett had an intention to form a relationship with her.

Mr Lasslett's oral evidence was that he had never intended or suggested that he wished to form a romantic relationship with Pupil A or that she should leave the School.

When questioned by the panel, Mr Lasslett stated that he never intended to lead Pupil A "on" though he could see why she considered that he had, which he regrets.

Whilst the panel found Pupil A to be a credible witness, it considered that the oral or documentary evidence did not satisfy it, on the balance of probabilities, that Mr Lasslett had taken any action to give Pupil A the impression that if she left the School, he would enter a romantic boyfriend/girlfriend relationship with her. On that basis, the panel finds this allegation not proven on the balance of probabilities.

g. posed for photographs with Pupil A

The panel noted from the Notice of Proceedings form that Mr Lasslett admitted the factual particulars of this allegation. In addition, included in the bundle were photographs from Pupil A's Facebook page which included Pupil A and Mr Lasslett. In one photo Mr Lasslett was present with a number of other female pupils in the School including Pupil A.

Mr Lasslett did not admit that these facts amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute. In his oral evidence, Mr Lasslett stated that it was normal for all staff to have photographs with pupils that were leaving. It was also customary, at the School, at the time, for the newest male teacher to give a kiss on the cheek to the pupil who was crowned prom princess. Witness A's oral evidence was that, once he became headteacher he changed these practices.

The panel found Mr Lasslett's evidence on this point to be credible and that the culture of the School at the time was for staff to be photographed with pupils. Therefore, in the context of the stem of allegation 1, the panel did not consider that permitting himself to be photographed with Pupil A was a failure to maintain appropriate professional boundaries. Therefore the panel finds this allegation not proven.

2. Your actions set out at paragraph 1.a and/or b and/or c and/or d and/or e and/or f and/or g above were sexually motivated

The panel was advised by the legal advisor to ask itself whether, on the balance of probabilities, a reasonable person would think the words/actions found proven against Mr Lasslett could be sexual. If so, the panel would need to go on to ask itself a second question, whether in all the circumstances of the conduct in the case, it is more likely than not that the purpose of such words/actions was sexual.

Mr Lasslett does not admit the factual particulars of this allegation. He denies that any of his conduct, as referred to at allegations 1.a to 1.g, were sexually motivated. The teacher's representative asked the panel to acknowledge that Mr Lasslett has made a number of admissions to the sub-particulars of allegation 1 and that these are not automatically synonymous with sexual motivation. The teacher's representative further submitted that the cumulative effect of these allegations does not amount to sexual motivation either. The presenting officer submitted that for the panel to find sexual motivation there does not need to be any sexual contact or meeting with Pupil A for that purpose.

The presenting officer submitted that Mr Lasslett's evidence that he did not intend his messages to Pupil A to have a flirtatious connotation is "nonsense". The presenting officer further submitted that Mr Lasslett could have had no motivation, other than sexual motivation, for sending flirtatious messages, giving his mobile phone number to Pupil A and asking Pupil A to keep it a secret.

In her oral evidence, Pupil A stated that Mr Lasslett's messages contained no sexual content or tone. She confirmed she did not consider any of the messages she received from Mr Lasslett were sexual in nature, only flirtatious. The teacher's representative invited the panel to consider this aspect of Pupil A's evidence as credible.

Mr Lasslett stated, in his oral evidence, that he had no sexual thoughts or sexual ambitions towards Pupil A and this suggestion "sickens" him. He never thought about Pupil A that way and it was never his motivation.

Further in his oral evidence, Mr Lasslett stated that he told the School when questioned, that he communicated with Pupil A as he "was a young NQT" courting popularity.

When questioned by the panel as to his motivation for communicating with Pupil A, he stated that he believed that being able to communicate with him in an informal manner might make her feel better about herself. He further stated he ceased all communication with Pupil A when he realised that she had developed a more serious crush on him.

The teacher's representative submitted that Mr Lasslett's insight developed quickly once he realised it was inappropriate to communicate with Pupil A. It is not the case that Mr Lasslett's motivation was sexual just because he asked Pupil A to keep the fact he had passed his mobile number on to her secret. It was submitted that Mr Lasslett's motivation

was to befriend Pupil A and nothing more. He wished to keep in touch with her as it was her intention to leave the School to study elsewhere in Years 12 and 13. However, Pupil A subsequently returned to the School.

The panel considered that the objective test was met as the reasonable person would think that Mr Lasslett's actions in relation to allegations 1.a, d, e and f, were sexually motivated. However, the panel was not satisfied, on the balance of probabilities, that it is more likely than not that the purpose of Mr Lasslett's behaviour in relation to allegations 1.a, d, e and f, was sexual. The panel determined that Mr Lasslett had a misguided sense of friendship towards Pupil A which satisfied his desire to be popular amongst pupils. Accordingly, the panel finds this allegation not proven.

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

Having found a number of 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.

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 the teacher in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, the teacher 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 considered whether Mr Lasslett's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found none of the offences relevant. Even though the panel considered that Mr Lasslett had

acted in a dishonest manner when he failed to inform the School, when first questioned, that he had passed his mobile number on to Pupil A, it did not regard this as “serious” dishonesty as it was at the lower end of the possible scale.

The Advice indicates that where behaviours associated with an offence, such as serious dishonesty exists, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct. Nevertheless, the panel considered that Mr Lasslett’s actions towards Pupil A fell significantly short of the standards expected of a teacher from a safeguarding perspective as he encouraged a line of communication with a pupil which was outside the boundaries of a normal pupil-teacher relationship.

Accordingly, the panel is satisfied that Mr Lasslett 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 panel considered that its findings of misconduct against Mr Lasslett would likely have a negative impact on Mr Lasslett’s status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Lasslett’s actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1.a, d, e and f, 3 and 4 proven, the panel further finds that Mr Lasslett’s conduct amounts 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 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, considers that there was the potential for public confidence in the profession to be weakened as a result of Mr Lasslett’s conduct. A public interest

consideration in declaring proper standards of conduct in the profession could also be present in this case.

Notwithstanding the public interest considerations referred to above, 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 Lasslett.

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 Lasslett. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up

The panel considered Mr Lasslett's conduct was a departure from the personal and professional conduct elements of the Teachers' Standards but not a serious departure and even though the panel found that Mr Lasslett had acted dishonestly in not telling the School that he had passed his mobile number on to Pupil A, when first questioned, he did later reveal this information. The panel considered that such conduct was not repeated or covered up. The panel considered that Mr Lasslett who was in his first year of teaching at the time of these events (NQT) had had only basic safeguarding training. The panel considered that the basic level of safeguarding training was instrumental in his seeking to befriend Pupil A which had a negative impact on Pupil A. He was under the misapprehension that it was appropriate to court popularity with pupils in order to encourage them to participate in extra-curricular activities. He showed an error of judgment in responding to Facebook messages from a pupil. Facebook at this time was in its infancy and the panel saw evidence that other, more experienced members of staff had access to Pupil A's Facebook page. The panel considered Mr Lasslett was naïve and exercised puerile behaviour in corresponding with Pupil A in language that he might have used with other friends and colleagues about non-school business, even though Pupil A was a school leaver planning to continue her education elsewhere.

The panel noted from Mr Lasslett's oral evidence that he was not aware of the Facebook pictures that Pupil A had posted online until Pupil A had sent him a message. Other staff

members had access to these pictures and it would appear that, despite the caption Pupil A had posted, “life made” next to a picture of her and Mr Lasslett, the staff did not alert, caution or provide any advice to Mr Lasslett. Mr Lasslett’s oral evidence was that he only saw these pictures when presented with them in 2014 by the local authority.

Even though there were behaviours that might 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. Mr Lasslett’s actions though deliberate were foolish and naïve. There was no evidence that he was acting under duress. The presenting officer also confirmed that there are no previous disciplinary proceedings or warnings relating to Mr Lasslett.

The panel noted that there was extensive evidence of Mr Lasslett’s previous good history. Witness A’s oral evidence was that Mr Lasslett was an, “outstanding teacher”, an impressive member of staff, who made a catastrophic error in his career. Mr Lasslett’s level of promotion at a very early stage of his career is unusual.

Witness C’s oral evidence was that Mr Lasslett is a very kind, calm person with lots of friends. He was very dedicated to teaching, spending lots of time preparing and planning lessons and he was always trying to work out ways of improving teaching and learning for the benefit of pupils. Witness C further stated that Mr Lasslett is “absolutely gutted” over how his behaviour has led to him losing a job he loves. He is upset by the fact that his behaviour could have put anyone in a difficult position or caused his family any concern. The panel noted that Mr Lasslett was visibly distressed when hearing Pupil A’s evidence.

The panel also had regard to the 14 character statements provided by Mr Lasslett from former colleagues, friends and others in the wider community. Many of these statements indicated that Mr Lasslett was a passionate and dedicated teacher who is well regarded by his colleagues because of his commitment and dedication to the pupils and staff at the School. Other character statements indicated that Mr Lasslett was a reliable, loyal and trustworthy colleague and friend. He offered support and guidance to members of staff as part of his line management role and to the pupils that he taught. He was very professional and able to have difficult and direct conversations with staff in a respectful, considerate and emphatic way. He was also modest and humble and went about his work with the best interests of pupils and staff at heart.

One character statement also indicated that he understood his mistakes and poor decisions and would do everything in his power to rectify these not only to improve himself but to improve what he could offer to others.

A character statement from the local vicar states that he volunteered to raise money and to take children on a trip to Africa which he “threw himself into” and his passion for teaching pupils was evident.

The presenting officer submitted that it was not clear that any of the character referees were aware of the allegations against Mr Lasslett or the admissions that he had made in the course of these proceedings. The panel took note of this.

The teacher’s representative submitted that it was entirely correct for the panel to determine that the dishonesty that Mr Lasslett has admitted is at the less serious end of the possible spectrum. It was also submitted that Mr Lasslett deeply regrets his actions and he has expressed this in his oral evidence. In addition, the teacher’s representative asked the panel to take into account that Mr Lasslett had admitted his inappropriate conduct in exchanging messages with Pupil A at any early stage of these proceedings, and he maintained this. The panel took into account Mr Lasslett’s oral evidence that he wished he had taken advice from more senior members of staff about how to handle the situation. The panel believed that he simply wished to befriend Pupil A out of a misguided sense of friendship and courting popularity.

Further, the teacher’s representative submitted that recommending a prohibition order against Mr Lasslett would be unnecessarily punitive. Mr Lasslett has been, in effect, prohibited for the last two years as he has not been able to work in the profession whilst these proceedings have been ongoing.

The panel considered that Mr Lasslett had shown significant insight over his conduct. The panel noted he wished he could apologise directly to Pupil A and deeply regrets the effect his behaviour has had on Pupil A, the School and the wider teaching community. The panel found him to be a sincere and credible witness who was extremely remorseful and reflective over his behaviour and how his behaviour had been perceived. The panel was particularly struck by Mr Lasslett’s oral evidence that he would like the opportunity to return to the profession and have the chance to counsel other young teachers of the inappropriateness of seeking to be pupils’ friends. The panel was satisfied that Mr Lasslett is now more mature and his level of insight indicates he would never repeat similar behaviour in the future.

Accordingly, the panel is of the view that prohibition is not a proportionate and appropriate response. The nature and severity of Mr Lasslett’s behaviour is at the less serious end of the possible spectrum and there are numerous mitigating factors that were present in this case, including the fact that Mr Lasslett is a young teacher and still has a lot to offer the profession. The panel has therefore determined that a recommendation for a prohibition order will not be appropriate in this case.

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 in respect of sanction.

I have noted that in this case the panel did not find all of the allegations proven. In particular, the panel did not find the most serious allegations proven.

Nonetheless, the panel did find that Mr Lasslett 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 did go on to find that Mr Lasslett's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

This in itself is a serious matter.

I have, therefore, gone on to give careful consideration to the panel's further deliberations in respect of the insight and remorse shown by Mr Lasslett and the mitigation that has been put forward on his behalf.

In considering this, I have taken into account the need to balance the public interest and the interests of the teacher. I have taken into account the guidance published by the Secretary of State and given careful weight to the need to be proportionate.

I have also noted the panel's comments "*The nature and severity of Mr Lasslett's behaviour is at the less serious end of the possible spectrum and there are numerous mitigating factors that were present in this case, including the fact that Mr Lasslett is a young teacher and still has a lot to offer the profession.*"

On balance, therefore, I support the recommendation of the panel that a prohibition order is not proportionate in this case. A finding of unacceptable professional conduct and

conduct that may bring the profession into disrepute is itself a serious matter and will be in the public domain.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 21 October 2016

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