



Teaching
Regulation
Agency

Mr Chris Naylor: Professional conduct panel meeting outcome

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

August 2019

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

Teacher:	Mr Chris Naylor
Teacher ref number:	0256138
Teacher date of birth:	14 May 1980
TRA reference:	17609
Date of determination:	19 August 2019
Former employer:	Congleton High School, Congleton, Cheshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 August 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Chris Naylor

The panel members were Ms Kathy Thompson (former teacher panellist), Cllr Gail Goodman (teacher panellist) and Mr Rob Allan (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

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

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 Meeting dated 5 July 2019.

It was alleged that Mr Chris Naylor was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. He engaged in inappropriate and/or unprofessional behaviour on or around 29th June 2018, towards one or more pupils including by:

a) Consuming alcohol whilst setting up for and/or attending and/or supervising the Year 11 prom;

b) Engaging in inappropriate physical contact with one or more pupils, including by:

i. hugging them;

ii. holding their arms and/or wrists;

iii. kissing them on the head and/or forehead and/or cheek;

iv. dancing closely with them.

2. During an investigation into his conduct in or around July and/or August 2018, he indicated that he would release photographs of other members of staff on social media, which he suggested would tarnish the school's reputation, unless the school agreed to the terms of his offer to leave their employ.

3. His conduct as set out at allegation 2 demonstrated a lack of integrity.

In the Signed Statement of Agreed Facts, Mr Naylor unequivocally admitted the facts of the allegations and that these amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Chronology – pages 2 to 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 5 to 12b

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 14 to 19

Section 4: Teaching Regulation Agency documents – pages 21 to 177

Section 5: Teacher documents – pages 179 to 208

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

Statement of agreed facts

The panel considered a statement of agreed facts, which was signed by Mr Naylor and dated 18 April 2019.

D. Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

The panel confirmed that it had read all of the documents provided in the bundle in advance of the meeting.

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

Mr Naylor had been employed at Congleton High School ('the School') since April 2006 as a Deputy Curriculum Team Leader of Physical Education and Guidance Team Leader for Year 11.

On 29 June 2018, a Year 11 Prom was held at Cranage Hall, at which Mr Naylor attended as a supervising member of staff. Before and during the event, Mr Naylor was witnessed drinking alcohol, dancing inappropriately behind a pupil, kissing pupils on the cheek, placing his hands on the waists of pupils and hugging others.

Following the Prom, an internal investigation was undertaken during which Mr Naylor stated to investigators that he had photographs of other members of staff drinking alcohol during the event. He said that he was willing not to publicise these photographs on social media in exchange for a settlement agreement amounting to nine-months' salary.

The School rejected this offer and Mr Naylor submitted his resignation on 31st August 2018.

Findings of fact

The findings of fact were as follows:

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

1. You engaged in inappropriate and/or unprofessional behaviour on or around 29th June 2018, towards one or more pupils including by:

a) Consuming alcohol whilst setting up for and/or attending and/or supervising the Year 11 prom

The panel noted the Signed Statement of Agreed Facts, in which Mr Naylor unequivocally admitted the facts of this allegation.

The panel also considered Mr Naylor's undated Response to the Statement of Agreed Facts ('the Response') in which he accepted drinking alcohol during the setting-up of the Prom and that, having not eaten a proper meal for some time, the alcohol had had a disproportionate effect on him.

For the reasons given, the panel found this allegation proved.

b) Engaging in inappropriate physical contact with one or more pupils, including by:

i. hugging them;

ii. holding their arms and/or wrists;

iii. kissing them on the head and/or forehead and/or cheek;

iv. dancing closely with them.

The panel noted the Signed Statement of Agreed Facts, in which Mr Naylor unequivocally admitted the facts of the particulars of this allegation.

In Mr Naylor's Response, he explained that he had 'let his guard down' due to his alcohol consumption and had engaged in behaviour that he agreed was 'unacceptable'. Nevertheless, the panel did not consider being in an intoxicated state to be a defence to this type of conduct.

For these reasons, the panel found this allegation, and each sub-particular, proved.

2. During an investigation into your conduct in or around July and/or August 2018, you indicated that you would release photographs of other members of staff on social media, which you suggested would tarnish the school's reputation, unless the school agreed to the terms of your offer to leave their employ.

The panel noted the Signed Statement of Agreed Facts, in which Mr Naylor unequivocally admitted the facts of this allegation.

The panel also had sight of correspondence sent from the School to Mr Naylor dated 25 August 2018, which was sent to him following an investigation meeting the day before. This correspondence sets out the offer that Mr Naylor made to the School during the meeting, which it considered to be a 'threat'.

Email exchanges between Mr Naylor and other employees of the School regarding a settlement figure did not include any assertion by Mr Naylor that he had not made such an offer.

For the reasons above, the panel found this allegation proved.

3. Your conduct as set out at allegation 2 demonstrated a lack of integrity.

The panel noted the Signed Statement of Agreed Facts, in which Mr Naylor unequivocally admitted this allegation.

The panel expects teachers to co-operate with such investigations in an appropriate manner so that the proceedings are transparent, and a fair decision be reached. In the panel's view, Mr Naylor's 'offer' to the School appeared to be a clear attempt inappropriately, to influence the proceedings of an appropriate investigation into his conduct.

Mr Taylor's conduct in this respect did lack integrity and, therefore, the panel found this allegation proved.

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

Having found all of the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Naylor in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Naylor was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel was satisfied that the conduct of Mr Naylor fell significantly short of the standards expected of the profession. At the Prom, whilst he was in a position of responsibility and had a role of ensuring the safety of pupils', Mr Naylor was intoxicated. At the very least, such behaviour increases the chances of pupils' being exposed to a risk of harm although the panel accepted that there was no evidence that any harm had been caused.

Similarly, whilst an investigation into a teacher's conduct will be embarrassing and unwanted by a teacher, it is also a process that needs to be undertaken in an appropriate manner. Trying to influence such an investigation as Mr Naylor did unfortunately, can only be seen as serious misconduct.

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside of the education setting. Nevertheless, at the time, Mr Naylor was acting in his capacity as a teacher with responsibilities to the pupils who were in attendance at an organised, School event. Accordingly, the panel is satisfied that Mr Naylor's behaviour amounted to unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can

hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

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

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Naylor, which involved being intoxicated at a School event, at which he was a responsible adult present to ensure the pupils' safety, and touching pupils in a manner that crossed boundaries, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Naylor were not treated with the utmost seriousness when regulating the conduct of the profession.

Similarly, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present. Teachers must ensure that their behaviour is appropriate and to the necessary standard. The conduct found against Mr Naylor in his dealings with the School in August 2018 was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Naylor. 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, that which is relevant in this case is:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

Even though some of the behaviour found proven in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors, which may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's findings, and Mr Naylor's admitted facts, there was no evidence that his actions were not deliberate or that he was acting under duress.

The panel accepts that Mr Naylor had a previously good history and that the incident was out of character. The panel considered a number of character references provided in support of Mr Naylor, some of the most pertinent being:

- **[Redacted]:** *"Chris is an outstanding teacher...his dedication to the School and students has led to hundreds of hours of extra-curricular work after school, lunchtimes and holidays.";*
- **[Redacted]:** *"Chris was a fantastic colleague to work with. He was an excellent teacher...";*
- **[Redacted]:** *"Chris Naylor is one of the most passionate teachers I have ever come across in my nine years of teaching...The results that Chris helped students to achieve were...incredible...Chris became an outstanding Head of Year...";*
- **[Redacted]:** *"Chris is a hardworking, dedicated and inspirational teacher.".*

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, a recommendation of no prohibition order would not be a proportionate and appropriate response. Recommending that the publication of adverse findings was sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Naylor of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Naylor. The panel accepted that Mr Naylor's behaviour at the Prom was towards the less serious end of the spectrum and could possibly have been excused as a serious error of judgement on one evening. Any physical contact between a teacher and pupil should be minimal and, whilst Mr Naylor had crossed this clear boundary so that his contact was inappropriate, the panel did accept there appeared nothing nefarious about it.

However, the 'threat' made to the School was nearly two months after the Prom and made as part of a disciplinary process. It appeared that this was a pre-empted course of conduct that Mr Naylor had considered prior to the investigation meeting. The threat carried weight as it was designed to risk both the School's and his colleagues' reputations.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. In this case, the panel did not consider that any of these behaviours are applicable to Mr Naylor.

The panel considered the representations put forward by Mr Naylor to explain his conduct of the night of the Prom. He stated that he had suffered from [Redacted] for a number of years and that he [Redacted]. He had used alcohol to calm his nerves before the event and said that, if he had not done so, then none of the issues would have occurred.

Whilst the panel accepts that Mr Naylor may have health issues, it had not been provided with any corroborative documentation, or medical evidence, to substantiate this. Similarly, the panel felt that blaming his behaviour on alcohol did not indicate any particular insight by Mr Naylor as to why the issues had occurred.

The panel did note that Mr Naylor had expressed remorse as to his behaviour and that the 'threat' he made to the School, whilst unacceptable, was also one made in desperation due to having to support his family. Mr Naylor was clearly a teacher who still had a great deal to offer to pupils and the profession, and the panel was encouraged that

he said he was now undertaking counselling although, again, there was no evidence to substantiate this.

The panel did consider that Mr Naylor's conduct was remediable and some time away from the profession would allow him to demonstrate true insight into his behaviour. Teaching is an inherently stressful career and it is important, for Mr Naylor, pupils and the profession, that he can demonstrate being able to cope appropriately in the future.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with a provision for a review period after two years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found 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 made a recommendation to the Secretary of State that Mr Naylor should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Naylor 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel finds that the conduct of Mr Naylor fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a lack of integrity.

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 therefore considered whether or not prohibiting Mr Naylor, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "At the Prom, whilst he was in a position of responsibility and had a role of ensuring the safety of pupils, Mr Naylor was intoxicated, At the very least, such behaviour increases the chances of pupils being exposed to a risk of harm although the panel accepted that there was no evidence that any harm had been caused."

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 felt that blaming his behaviour on alcohol did not indicate any particular insight by Mr Naylor as to why the issues had occurred. The panel did note that Mr Naylor had expressed remorse as to his behaviour and that the 'threat' he made to the School, whilst unacceptable, was also one made in desperation due to having to support his family". In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. 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 that 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."

I am particularly mindful of the finding of lack of integrity in this case and the impact that such a finding has on the reputation 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 Mr Naylor. I have noted the positive comments made about Mr Naylor. The panel observe, "Mr Naylor was clearly a teacher who still had a great deal to offer to pupils and the profession, and the panel was encouraged that he said he was now undertaking counselling although, again, there was no evidence to substantiate this."

A prohibition order would prevent Mr Naylor from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning insight and remorse. The panel has said, "the panel felt that blaming his behaviour on alcohol did not indicate any particular insight by Mr Naylor as to why the issues had occurred."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Naylor has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2-year review period.

I have considered the panel's comments, "The panel did consider that Mr Naylor's conduct was remediable and some time away from the profession would allow him to demonstrate true insight into his behaviour. Teaching is an inherently stressful career and it is important, for Mr Naylor, pupils and the profession, that he can demonstrate being able to cope appropriately in the future."

I have considered whether a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I conclude that it is.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Chris Naylor 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 21 August 2021, 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 Chris Naylor remains prohibited from teaching indefinitely.

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

Mr Chris Naylor has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

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

Decision maker: Alan Meyrick

Date: 21 August 2019

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