



National College for
Teaching & Leadership

Mr Thomas Laessing: Professional conduct panel outcome

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

November 2016

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Professional conduct panel decision

Teacher:	Mr Thomas Laessing
Teacher ref number:	1139939
Teacher date of birth:	26 February 1976
NCTL case reference:	15351
Date of determination:	21 November 2016
Former employer:	St. Paul's School (Colet Court), London

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Thomas Laessing.

The panel members were Mr Michael Lewis (teacher panellist – in the chair), Mr Mike Carter (teacher panellist) and Ms Ann Walker (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The case progressed by way of a meeting that took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

The presenting officer was Oliver Bristow of Nabarro solicitors.

Mr Laessing was not represented.

None of the children referred to in this document are current or former pupils of the School at which Mr Laessing was employed.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 3 November 2016.

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

1. Failed to maintain appropriate professional standards and/or appropriate professional boundaries whilst working as a teacher when:
 - a) He exchanged text and/or WhatsApp messages and/or attempted to call Child A.

- b) Sent text and/or WhatsApp messages and/or attempted to call Child A including after she asked him to stop trying to call her.
 - c) Caused Child A to feel uncomfortable.
2. In relation to obtaining Child A's telephone number he misused the 'crew list' which had been made available to him in his capacity as a senior member of the sailing course.
 3. In respect of his actions set out at 1 above he received a Prevention of Harassment Letter.
 4. He sent friend invites and/or attempted to communicate with one or more female children via Facebook and/or social media.

Mr Laessing had admitted the facts in full by way of his response to the Notice of Referral which was signed by him on 22 August 2016. He had further admitted that the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Mr Laessing had further requested that the proceedings be considered without a hearing by way of a meeting of the Professional Conduct Panel.

C. Preliminary applications

There were no preliminary applications.

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 2 to 3

Section 2: Notice of Proceedings and response – pages 4 to 10

Section 3: Statement of Agreed Facts and presenting officer representations – pages 10a to 19

Section 4: NCTL documents – pages 20 to 121

Section 5: Teacher documents – pages 122 to 125.

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

Witnesses

The case proceeded by way of a meeting. No live evidence was called.

E. Decision and reasons

The panel announced its decision and reasons as follows.

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

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

This case concerns a teacher who made inappropriate telephone, text message and social media contact with children. The contact with Child A continued after she had asked him to stop and led to Mr Laessing receiving a Prevention of Harassment Letter from the police. He had obtained Child A's contact details from a 'crew list' provided to him in his capacity as a tutor on a sailing course.

Findings of fact

The panel considered each factual allegation separately and found all of the particulars proved as per the agreed Statement of Facts.

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

Having found all of the factual allegations proved, the panel went 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 had regard to the document Teacher Misconduct: The Prohibition of Teachers.

The panel is satisfied that the conduct of Mr Laessing, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Laessing behaved in such a way that he breached 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

The panel is satisfied that the conduct of Mr Laessing was of a serious nature and fell significantly short of the standards expected of the profession.

By communicating with Child A (and other children) in the way that he did, Mr Laessing breached the policy of the School where he was employed and clearly crossed the boundary of acceptable communications with children. This is a serious shortcoming given the position of trust held by Mr Laessing as a teacher.

It is of particular concern that his conduct was repeated over roughly a 3-month period and was entirely unsolicited. Mr Laessing made pre-meditated and inappropriate use of communication details obtained through his involvement in a youth organisation-led sailing trip. Communications continued after Child A had asked that they cease.

Mr Laessing was clearly aware that his conduct crossed proper boundaries. This is confirmed by his attempt to persuade Child A not to share the occurrence of the communications with other people and by his own statement in a communication with Child A that recognised it could get him into difficulty.

Mr Laessing's conduct is made more serious by his attempts to send friend invites to two other female children via social media.

We find that the proved facts amount to unacceptable professional conduct.

The panel went on to consider whether the proved facts amount to conduct which may bring 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.

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

The panel therefore find that Mr Laessing'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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Teacher Misconduct: The Prohibition of Teachers Advice and having done so has found a number of them to be relevant in this case, namely, the protection of pupils/the protection of other members of the public; 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 Laessing, which involved unsolicited and inappropriate communications with children, in the case of Child A, over a significant period and continuing after he had been asked to stop, there is a strong public interest consideration in respect of the protection of pupils. These were serious findings of inappropriate communications in a context of Mr Laessing holding a position of trust that enabled him to obtain and use the personal contact details of Child A in an unsolicited and repeated way.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Laessing were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel further considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

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 Laessing.

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 the teacher. 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
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- behaviour that uses or exploits the trust, knowledge or influence derived from the individual's professional position

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.

There was no evidence that the teacher's actions were not deliberate.

There was no evidence to suggest that the teacher was acting under duress, and in fact, the panel found the teacher's actions to be calculated and pre-meditated.

The teacher did have a previously good history and the panel accepts that the behaviour was influenced by personal issues that appeared to have continued to affect his judgement at the relevant time.

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

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice recommends that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The panel noted that none of the circumstances listed at page 12 of the Advice are present in this case and concluded that the findings in this case indicated a situation in which a review period would be appropriate. The panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after a minimum period of two years. The panel noted Mr Laessing's expressions of regret and remorse and his willingness to engage co-operatively with this process. The panel considers he has acted sincerely in relation to these matters. We note that Mr Laessing has fully accepted that he requires professional help which is now underway.

The panel would expect any application for the prohibition order to be set aside to address Mr Laessing's ongoing proper understanding of the professional requirements placed upon him as a member of the teaching profession. The panel also recommends that he can demonstrate that he has successfully resolved all of the personal issues that caused him to behave in the way that he has admitted through the course of these proceedings. The panel would expect the review panel to be presented with evidence from medical practitioners or other relevant individuals to demonstrate that Mr Laessing's mental state and attitude to his previous unacceptable conduct is such that he can properly be placed back in a teaching environment.

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 both sanction and review.

I have also noted that although Mr Laessing was a teacher at the time of the misconduct, his actual misconduct took place in the context of his voluntary role as a tutor on a sailing course that was run by a charity and not connected with the school at which he taught. His misconduct was with children, albeit none of those children were, or had been his pupils. Nonetheless as a teacher he had a clear understanding of the appropriate behaviours that he should adhere to with children of school age.

I have noted that Mr Laessing does admit the misconduct and that it amounts to unacceptable professional conduct.

The panel has shown that it considers that by reference to Part Two, Mr Laessing behaved in such a way that he breached 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

The panel has set out that it is satisfied that the conduct of Mr Laessing was of a serious nature and fell significantly short of the standards expected of the profession.

I have taken into account the need to be proportionate and to balance the public interest with the interest of Mr Laessing. I have also taken into account the guidance published by the Secretary of State which lists behaviours relevant in this case, which are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- behaviour that uses or exploits the trust, knowledge or influence derived from the individual's professional position.

I support the view of the panel that a prohibition order is proportionate and appropriate in this case.

I have gone on to consider the matter of a review period. I have noted the mitigating factors taken into account by the panel. I note that Mr Laessing has expressed remorse and regret.

I therefore agree with the recommendation of the panel that a two year review period is proportionate.

This means that Mr Thomas Laessing 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 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 Thomas Laessing remains prohibited from teaching indefinitely.

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

Mr Thomas Laessing 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 blue ink, appearing to read 'Alan Meyrick', is written over the text.

Decision maker: Alan Meyrick

Date: 12 December 2016

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