



National College for
Teaching & Leadership

Miss Rebecca Lacey: Professional conduct panel outcome

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

January 2016

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

Teacher: Miss Rebecca Lacey

Teacher ref number: 0845902

Teacher date of birth: 13 July 1987

NCTL case reference: 14127

Date of determination: 7 January 2016

Former employer: Downend School, Bristol

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened in private meeting on 7 January 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Rebecca Lacey.

The panel members were Mr Martin Pilkington (lay panellist – in the chair), Mr Phil Lloyd (teacher panellist) and Councillor Gail Goodman (teacher panellist).

The legal adviser to the panel was Mr Paddy Roche of Blake Morgan LLP solicitors Oxford.

The hearing took place in private and the announced decision was given in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 22 December 2015.

It was alleged that Miss Rebecca Lacey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working at Downend School, Downend, Bristol ("the School") between 1 September 2010 and 25 March 2015:-

1. She failed to maintain proper professional boundaries on the evening of the School's 2014 year 11 summer Prom in that she:
 - (a) Allowed Pupil A to stay in her hotel room overnight, following the Prom;
 - (b) Engaged in inappropriate behaviour at the Prom including:-
 - (i) Having physical contact with one or more pupils, on one or more occasions, including whilst:-
 - (a) having a photograph/s taken she allowed a pupil/s to put their hand around her/her waist,
 - (b) hugging pupils good bye,
 - (c) dancing with pupils.
 - (ii) Smoking alone with Pupil A.
 - (iii) Spending time alone with one or more pupils.
 - (iv) Acting in an overfamiliar manner towards pupils.
2. She overguided one or more of the School's pupils, including Pupil A, prior to the ICT OCR examination, whether deliberately or not, which has resulted in the results of those pupils being withdrawn.

The teacher admitted the facts and admitted that this was a case of unacceptable professional conduct/conduct that may bring the profession into disrepute.

She requested that the allegations be considered without a hearing.

C. 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 Referral, Response and Notice of Meeting and Response – pages 3 to 9

Section 3: Statement of agreed facts and presenting officer representations – pages 10 to 18

Section 4: NCTL documents – pages 21 to 108

Section 5: Teacher documents – pages 109 to 134

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

D. Decision and reasons

The panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

The case concerns Miss Lacey's alleged conduct while employed as an ICT teacher at Downend School, Bristol.

It is alleged that she attended the School's Prom for year 11 pupils which was held on 26 June 2014 at an hotel venue and during the evening she had physical contact with pupils attending the event including having her photograph taken and allowing pupils to put their hands around her or her waist, dancing with pupils and hugging pupils goodbye. In the course of the Prom it is alleged that she spent time alone with a single pupil on more than one occasion and acted in a manner with pupils which she knew or ought to have known was overfamiliar.

In particular, it is said that she smoked a cigarette in front of Pupil A who was a vulnerable pupil and was a member of her class.

Following the Prom event she invited Pupil A into her hotel room and allowed him to spend the night there. She failed to report that this had happened and when questioned about the matter during the School's investigation initially denied that it had occurred.

It is not alleged that there was any sexual activity between Miss Lacey and the pupil concerned.

Miss Lacey faces a further allegation that in the course of preparing her year 11 ICT class for a public examination, she failed to comply with the regulations and "overguided" the pupils concerned. The matter was investigated by the Exam Board who rejected the coursework of 50 pupils and, as a consequence, none of the pupils received the qualification that they had been working towards. Miss Lacey accepts that she must have misinterpreted the amount of guidance she could give to the pupils and says that she wholeheartedly takes full responsibility for the error. It was her misinterpretation and not the students'.

In her response to the matters alleged against her, Ms Lacey explains that in inviting Pupil A to her hotel room she now realises that, with hindsight, she handled the situation in a way that was not appropriate but says that she was concerned for the safety and wellbeing of the student. She was aware that he was a vulnerable student and he appeared to be in a bad state of mind on the evening of the Prom. He was being influenced by other pupils to drink alcohol and take drugs after the Prom event. Her motivation was to keep him safe from harm and she was worried that if he left the Prom event with the pupils who were influencing him that something terrible may have happened to him. She accepts that she made an error of judgment in her handling of the situation. She says that she is deeply sorry for her actions.

In relation to the exam issue Miss Lacey says that, if she breached the exam regulations, she did so innocently. She prepared students for the exam in the same way she had done in previous years. When other, more senior, members of staff looked through the coursework and were sharing examples of the pupils' work they said that the work was fine. Nobody suggested that she was teaching the course incorrectly. She said she had no support from other members of staff in the department when running catch up sessions with her students and no support from staff when getting the coursework ready to send to the moderators. No questions were ever asked. No internal moderation took place for the year 11 cohort. Despite the finding of the exam board she has been told on many occasions that the issue was not her fault. She very much regrets that the coursework submitted by the pupils was rejected so that they did not obtain qualifications for which they had worked.

Finally, she says that her teaching career is the most important thing in her life and she wishes to continue with the profession that she has worked so hard for and that she loves.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Rebecca Lacey proven, for these reasons:

That whilst working at Downend School, Downend, Bristol ("the School") between 1 September 2010 and 25 March 2015:-

1. She failed to maintain proper professional boundaries on the evening of the School's 2014 year 11 summer Prom in that she:

(a) Allowed Pupil A to stay in her hotel room overnight, following the Prom;

(b) Engaged in inappropriate behaviour at the Prom including:-

(i) Having physical contact with one or more pupils, on one or more occasions, including whilst:-

(a) having a photograph/s taken she allowed a pupil/s to put their hand around her/her waist,

(b) hugging pupils good bye,

(c) dancing with pupils.

(ii) Smoking alone with Pupil A.

(iii) Spending time alone with one or more pupils.

The panel has considered each of these particulars separately and independently. They are admitted by Miss Lacey in the statement of agreed facts at p 11 of the case papers and her admissions accord with other evidence the panel has read in the case papers. The panel recognises that Miss Lacey takes issue with some of the detail contained in the case papers and observations made by some other staff members who saw her at the Prom but the panel is satisfied, on the balance of probabilities, that these particulars are all proven.

In relation to particular 1(b) ii Miss Lacey accepts only that she smoked a cigarette "in front of" Pupil A rather than "with" him in the sense that he was also smoking and we find this particular proved on the basis of her limited admission.

2. She overguided one or more of the School's pupils, including Pupil A, prior to the ICT OCR examination, whether deliberately or not, which has resulted in the results of those pupils being withdrawn.

Miss Lacey admits this particular in the statement of agreed facts at p 12 of the case papers. She accepts that in August 2014 the school was notified that three of the four

units of the Year 11 ICT course were being withheld due to suspected malpractice, specifically that the pupils had been overguided. She further accepts that in an email on 21 August 2014 she said that "I must have misinterpreted the amount of guidance I could give to the pupils" and goes on to say that resulted in over guidance being given and that she "wholeheartedly take full responsibility for the matter.....it was my interpretation not the students."

On the basis of the admissions made in the statement of agreed facts the panel finds this particular proved. However there is further important information in the case papers lodged by both the National College and the teacher which relates to this particular and the way it is put by the National College which affects the panel's judgement in relation to unacceptable professional conduct/conduct that may bring the profession into disrepute. The panel will deal with those issues later in this decision.

We have found the following particulars of the allegations against Rebecca Lacey not proven, for these reasons:-

- 1. She failed to maintain proper professional boundaries on the evening of the School's 2014 year 11 summer Prom in that she:**
 - (b) Engaged in inappropriate behaviour at the Prom including:-**
 - (iv) Acting in an overfamiliar manner towards pupils.**

Although this particular is also admitted by Miss Lacey in the statement of agreed facts at p 11 of the case papers the panel has assumed that it refers to her conduct at the Prom towards pupils other than pupil A as his interaction with her is specifically covered by other particulars. The panel noted from the management report prepared by the Headteacher, following his investigation, that he records at p 103 of the case papers that Miss Lacey denied being over-familiar with students at the Prom. He concludes at p 104 of the case papers thus:- "Whilst there is clear evidence that a number of adults felt that Miss Lacey was over-familiar with pupils, this was not a unanimous view of those present. The investigation has therefore not definitively proven or disproven this allegation."

The panel assumes from the drafting of the allegation that this particular is intended to cover alleged conduct over and above that which is specified as being "inappropriate behaviour" as set out at particulars 1 (b) i,ii and iii but it is not clear what that additional conduct may be. Accordingly the panel does not find this particular 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 we refer to as “the Advice”.

In making its judgement the panel has considered each set of particulars separately and has applied the definition of unacceptable professional conduct which is "misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher." Conduct that may bring the profession into disrepute is judged in a similar way.

In relation to Miss Lacey's conduct towards Pupil A the panel has carefully considered her explanation for allowing Pupil A, on the evening of the Prom, to stay overnight in her hotel room. The panel recognises that it is no part of the case brought against her by the National College that Miss Lacey was involved in any sexual activity with Pupil A nor that there was any sexual motivation in allowing him to stay overnight.

Miss Lacey says that she was concerned for his welfare, she intended to act in his best interests and discharge her duty of care towards him. She says they spent the night talking. He had appeared anxious and most of the discussion concerned his personal family problems. In the morning she gave him a lift and dropped him off at a location from which he could walk home.

She accepts that she should have reported what she had done but failed to do so. She was anxious about making the disclosure and afraid of the potential repercussions. The panel notes that the Headteacher in his management report indicates that Miss Lacey denied on three separate occasions that Pupil A had stayed in her room overnight.

In the judgement of the panel this episode does constitute both unacceptable professional conduct and conduct that may bring the profession into disrepute. Even accepting Miss Lacey's explanation and motivation for allowing Pupil A to stay overnight in her hotel room she made a gross error of judgement and failed to demonstrate the high standards of personal and professional conduct required by Part 2 of the Teachers' Standards. That failing is aggravated by her failure to volunteer the following day what had occurred and her initial denials when questioned.

She clearly failed to observe the professional boundaries that should, at all times, govern the relationship between a teacher and pupil – the more so where the teacher is aware that the pupil concerned is properly described as vulnerable. The panel considers that what Miss Lacey did constituted a gross breach of trust towards Pupil A and her failure to

disclose what had happened together with her subsequent denials suggests that she was well aware of the seriousness of her conduct. The panel judges also that this sort of conduct damages the collective reputation of the profession.

Turning to Miss Lacey's admitted conduct towards pupils at the Prom itself which are itemised at Paragraph 1(b) i,ii and iii the panel judges that collectively Miss Lacey may have behaved in a way that was inappropriate and ill advised. However the Panel does not find that her behaviour passes the threshold of "misconduct of a serious nature" and, thus, in relation to these particulars neither unacceptable professional conduct nor conduct that may bring the profession into disrepute is made out.

The final particular relates to "overguiding" her class pupils in preparing coursework for a public examination. The examination board's findings resulted in 50 of Miss Lacey's pupils having their coursework withdrawn and therefore they failed to achieve a qualification for which they had been working during the course of the academic year, through no fault of their own. The panel accepts that this was a serious and highly regrettable outcome for the pupils concerned.

However the panel has taken account of the way this particular has been put by the National College, the limited admissions made by the teacher and other considerations set out in the case papers.

In the Presenting Officer's representations at p14 of the case papers she makes the following points:-

- although Miss Lacey should have been sufficiently aware of the requirements of the new OCR specification relating to the level of guidance that she could offer as a teacher this might be considered to be shared by Miss Lacey, her managers and the exam board;
- the circumstances surrounding the OCR ICT results are complex;
- although it is clear that pupils were overguided by Miss Lacey she may not have intended to cause any detriment to the pupils.

For her part Miss Lacey says, in effect, that she taught this cohort of pupils in the same way that she had done in previous years, she received no guidance from other, more senior, staff at the school that what she was doing breached the regulations. She also says that when she showed some of the pupils' work to other staff for checking no criticism at all was made of it.

It is also relevant to the panel's consideration whether this allegation of "overguiding" constitutes "misconduct of a serious nature" that the advice from the exam board to the

school was as follows – "We would be grateful if a warning could be issued to Ms Lacey that if this situation was to occur in the future the case will be referred to the Malpractice Committee where a stronger penalty could be applied.....We would request relevant training is provided to Ms Lacey to ensure she gains an understanding of the regulations for future submissions."

This failing on the teacher's part is, therefore, not put as being deliberate or reckless and the panel judges that it should be considered as inadvertent. The exam board advised that it should be marked by a warning and further training. The responsibility for the error is accepted by the National College as being a shared responsibility. Notwithstanding the serious consequences for the pupils affected, the panel judges that taking all matters into account, Miss Lacey's admitted involvement and limited acceptance of responsibility falls short of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The panel has found that Miss Lacey's conduct in allowing pupil A to stay in her hotel room overnight constitutes unacceptable professional conduct/conduct that may bring the profession into disrepute.

The panel regards this incident as very serious. Miss Lacey is not an inexperienced teacher having been qualified for 4 years. It is the panel's view that she must have realised just how ill-judged her conduct was and the way it would be regarded by members of the public who might learn about it. She sat alone with pupil A, on her account a vulnerable pupil, in the hotel room for the entire night. The panel finds it very difficult to understand how the teacher could possibly have thought, at the time, that what she did could, conceivably, be considered appropriate.

This incident represents a serious departure from the personal and professional conduct elements of the Teachers Standards. Despite her reasons for spending the night with pupil A the panel is satisfied that it amounts to an abuse of the teacher's position of trust towards a vulnerable pupil and Miss Lacey was misguided in behaving as she did. It calls into question her suitability to remain as a member of the profession.

We have considered the teacher's expressions of regret in the documents she has submitted and the Headteacher's observation that, on disclosing that Pupil A had stayed in her hotel room, Miss Lacey was visibly distressed and said that she was "so sorry." (p107). The panel has also given weight to Miss Lacey's assurances that she has learned from this episode, she recognises the error she made and her love of teaching.(p125).

Nonetheless the panel appreciates that Prohibition Orders are imposed in the public interest and are intended to protect pupils and maintain public confidence in the profession. In furtherance of our duty to the public the panel recommends that a

Prohibition Order should be imposed as an appropriate and proportionate measure in this case. In giving weight to the teacher's submissions and apparent insight into her ill - judged conduct the panel recommends that she should be permitted after a review period of 2 years has elapsed to make an application for the Prohibition Order to be set aside.

Decision and reasons on behalf of the Secretary of State

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

I have noted in particular those allegations where the panel has found the facts proven and where they have found the facts do and do not amount to unacceptable professional conduct, and conduct that may bring the profession into disrepute.

Miss Lacey allowed a vulnerable pupil to stay in her hotel room overnight and for the entire night. The panel has regarded this incident as very serious, and a serious departure from the personal and professional conduct required. The panel called into question her suitability to remain as a member of the profession.

The panel considered the teacher's expressions of regret, and Miss Lacey's assurances that she has learned from this episode.

I have considered the public interest and I agree with the panel's recommendations that a prohibition order should be imposed as an appropriate and proportionate measure in this case.

I have also considered the matter of a review period with great care. The panel has recommended a review period of 2 years. Miss Lacey made a gross error of judgement. That failing is aggravated by her failure to volunteer the information when questioned. However, the panel has given weight to Miss Lacey's apparent insight to her ill-judged conduct and her expressions of regret. For those reasons, I agree with the panel's view.

This means that Miss Rebecca Lacy is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 19 January 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 she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Lacey remains prohibited from teaching indefinitely.

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

Miss Lacey has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'J. Millions', with a period at the end. The signature is stylized and somewhat cursive.

Decision maker: Jayne Millions

Date: 12 January 2016

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