



National College for
Teaching & Leadership

Mr Derek Ross Lloyd: Professional conduct panel outcome

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

7 January 2016

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

Teacher: Mr Derek Ross Lloyd

Teacher ref number: 6510539

Teacher date of birth: 12 May 1944

NCTL case reference: 10719

Date of determination: 7 January 2016

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 Mr Derek Ross Lloyd.

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

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

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 18 December 2015.

It was alleged that Mr Derek Ross Lloyd was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed at Whitstone Head School in the 1980s, he:

1. Engaged in sexual activity with Pupil A, a pupil under the age of 16, on one or more occasions;
2. In so doing his actions were sexually motivated.

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

He 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 and list of key people – pages 1 - 3

Section 2: Notice of Referral, Response and Notice of Meeting – pages 4 - 9b

Section 3: Statement of agreed facts and presenting officer's representations – pages 10 - 15

Section 4: NCTL documents – pages 17 - 73

Section 5: Teacher documents – pages 74 - 75

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

E. 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 Mr Derek Ross Lloyd, born on 12 May 1944, who was employed during the 1980s as an English teacher by Whitstone Head School (hereinafter "the School") and was a resident at the school in his own private accommodation.

In June 2013 he was arrested following an allegation of sexual abuse by a former pupil of the school (Pupil A). Pupil A alleged that the abuse occurred while he was a pupil at Whitstone Head School. In due course Mr Lloyd was charged with criminal offences of which he was ultimately acquitted during a criminal trial.

At the time of his arrest in 2013 Mr Lloyd was employed by [redacted] as Head of Special Needs. He was suspended from [redacted] on 25 June 2013 and a disciplinary hearing was convened by [redacted] on 28 June 2013 during which Mr Lloyd stated that he would resign. Immediately following the meeting Mr Lloyd handed in his written resignation.

Mr Lloyd admits that his first sexual contact with Pupil A occurred while on a school trip. At the time he would have had responsibility over the care of Pupil A. During the course of the trip Mr Lloyd entered Pupil A's tent and initiated a sexual act with him.

Mr Lloyd admits that on a subsequent occasion he allowed Pupil A to access and use the library located in his private accommodation in the School. Whilst Pupil A was in the library Mr Lloyd engaged in a sexual act with him.

Mr Lloyd accepts that Pupil A was a pupil at the school during both the occasions set out above and accepts that Pupil A was under the age of 16 on the first occasion that a sexual act occurred with him. Mr Lloyd further admits that his conduct with Pupil A as described in this summary was sexually motivated.

Mr Lloyd further admits that his conduct amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Derek Ross Lloyd proven, for these reasons:

Whilst employed at Whitstone Head School in the 1980s, he:-

1. Engaged in sexual activity with Pupil A, a pupil under the age of 16, on one or more occasions;

2. In so doing his actions were sexually motivated.

Notwithstanding his acquittal at his criminal trial before Truro Crown Court which is mentioned , but not explained, in the case papers, the panel is satisfied that Mr Lloyd has admitted both particulars of the allegation in:-

- his response to the notice of referral form signed and dated on 19 October 2015 - p 8

- the statement of agreed facts – signed and dated 26 November 2015 - pp 11- 13

- his detailed interview under caution at Scarborough Police Station on 24 June 2013 – pp 24-36

- the minutes of the disciplinary hearing at [redacted]

held on 28 June 2013 – pp 60 -64

- his letter signed and dated 26 Nov 2015 – p 75

The admissions are clear, unequivocal, consistent and detailed. They contain explanations for what had occurred and expressions of regret. Mr Lloyd's admissions in [redacted] disciplinary hearing led immediately to his resignation from [redacted] where he had been employed for over 20 years and was, apparently, well regarded. The panel finds no reason to suspect that that the teacher's admissions should not be relied upon. The panel therefore finds the particulars proven.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The admissions made by Mr Lloyd reflect very serious misconduct towards a pupil to whom he owed a duty of trust on a school trip . He initiated sexual contact with the pupil when the boy was aged under 16. We are also satisfied that sexual activity with pupil A occurred on at least one further occasion, in the library at the school where Mr Lloyd had accommodation.

The panel is satisfied that Mr Lloyd is guilty of both unacceptable professional conduct and conduct that may bring the profession into disrepute. These incidents clearly constitute "misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher" and impact on the collective reputation of the profession.

They represent a fundamental breach of the standards of conduct that teachers are expected to observe. Even though the Teachers' Standards were not in place at the time of these events, which occurred in the 1980's, the panel takes the view that the standards are, nonetheless, relevant as a guide to the way that teachers have always been expected to behave.

The panel believes that the requirement for teachers to uphold public trust in the profession and maintain high standards of ethics and behaviour was as relevant then as now. Mr Lloyd has failed to treat pupil A with dignity and respect and has, plainly, not observed the boundaries that are appropriate in the teacher /pupil relationship. It is totally inappropriate for a teacher to behave towards a young pupil in his care in the way that Mr Lloyd concedes occurred in this case. He showed no regard whatsoever for the pupil's rights, well- being or safety. The panel therefore has no doubt that this is a case of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The panel has considered the guidance provided in the "Teacher misconduct: the prohibition of teachers advice" – which we refer to as "the Advice."

The Advice indicates that a Prohibition Order is made in the public interest which includes:-

- the protection of pupils and other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

It is the panel's view that all three elements of the public interest are engaged in this very serious case.

In his letter dated 26 November 2015, at p 75 of the case papers, Mr Lloyd says he "does not wish to claim any mitigation." He goes on to say that what he did seemed unconventional but not wrong at the time. He continues that he believed himself to be in a consensual relationship but it has seemed very wrong ever since.

The panel finds on the facts that there is no mitigation in this case and that by his conduct towards pupil A Mr Lloyd has demonstrated that he is not fit to remain a member of the teaching profession.

The panel identifies the following aggravating features:-

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the well-being of pupil A
- abuse of his position of trust and violation of the rights of pupil A
- sexual misconduct and exploitation of his professional position

The panel therefore recommends that a Prohibition Order should be imposed in this case and that no review period should be allowed. The panel notes that Mr Lloyd is now aged 71.

Decision and reasons on behalf of the Secretary of State

I have considered very carefully the findings and recommendations of the panel in this case. The panel has found the allegations proven, and judge that Mr Lloyd is guilty of both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Lloyd was employed as an English Teacher, during the 1980s (at the time of the allegations), and was resident at the school in his own private accommodation.

The admissions made by Mr Lloyd reflect very serious misconduct towards a pupil. These incidents represent a fundamental breach of the standards of conduct that teachers are expected to observe. The panel found that Mr Lloyd showed no regard whatsoever for the pupil's rights, well-being or safety.

I have considered the public interest in this case. The panel has found on facts that there is no mitigation in this case and that by his conduct; Mr Lloyd has demonstrated that he is not fit to remain a member of the teaching profession. I agree with this view.

The panel recommends that a prohibition order should be imposed and that no review period should be allowed.

Due to the serious nature of this case and for the reasons set out above, I agree with the panel's recommendation.

This means that Mr Derek Lloyd is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Lloyd shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Lloyd 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 'JM', with a horizontal line through the middle of the letters. The signature is written on a light-colored background.

Decision maker: Jayne Millions

Date: 11 January 2016

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