



Teaching
Regulation
Agency

Mr Paul Laidler: Professional conduct panel outcome

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

February 2021

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

Teacher: Mr Paul Laidler

Teacher ref number: 38044

Teacher date of birth: 17 May 1978

TRA reference: 17503

Date of determination: 2 February 2021

Former employer: Gresham's School, Holt, Norfolk

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 1 February 2021 remotely to consider the case of Mr Paul Laidler.

The panel members were Ms Hilary Jones (lay panellist – in the chair), Mr Paul Millett (lay panellist) and Mr Gamel Byles (teacher panellist).

The legal adviser to the panel was Mrs Anna Marjoram of Eversheds Sutherland (International) solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Mr Laidler was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 4 December 2020.

It was alleged that Mr Laidler was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at the Warminster School:

1. he failed to maintain appropriate professional boundaries with one or more pupils/former pupils in or around May – July 2007 by:
 - a. allowing one or more pupils/former pupils to enter and/or stay at his home accommodation;
 - b. permitting Former Pupil A to drive his vehicle;
 - c. permitting Former Pupil A to consume alcohol and/or providing alcohol for her to drink;
 - d. kissing Former Pupil A;
 - e. engaging in sexual activity with Former Pupil A;
 - f. communicating with Former Pupil A by text message and/or telling Former Pupil A that she had “a lovely body” or words to that effect;
2. his behaviour as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.

Mr Laidler has admitted the facts of allegations 1 a. – f. and accepted that in undertaking these actions he failed to maintain appropriate professional boundaries. Mr Laidler has also admitted allegation 2 in respect of allegations 1 e. and f.. This is confirmed in the Statement of Agreed Facts signed by Mr Laidler on 9 March 2020.

Mr Laidler has admitted that the facts of allegations 1 and 2, which he has admitted, amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the

case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

The panel considered an application from the presenting officer to proceed in the absence of Mr Laidler.

The panel is satisfied that TRA has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel has noted that the teacher may waive his/her right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

The panel has decided to proceed with the hearing in the absence of the teacher. Mr Laidler has had the benefit of legal advice and has made representations in advance of the hearing through his legal representative that he will not be attending. The panel considers that in light of the teacher's clear waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witness; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

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, response and Statement of Agreed Facts – pages 5 to 20

Section 3: Teaching Regulation Agency witness statements – pages 22 to 24

Section 4: Teaching Regulation Agency documents – pages 26 to 590

Section 5: Teacher documents – pages 92 to 155

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

Witnesses

The panel heard oral evidence from Former Pupil A, called by the presenting officer.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Laidler had been employed at the Warminster School from September 2002 to September 2007. He was later employed as a head of biology and a non-resident house tutor at the Gresham's School, from 1 September 2007. He subsequently became a head of house at the Gresham's School.

On 28 February 2018, the LADO informed the Gresham's School that a historic allegation had been made against Mr Laidler relating to an incident on or around May to July 2007. Mr Laidler was suspended.

On 27 April 2018, a LADO multi-agency strategy meeting was held to consider the allegation. On 21 May 2018, Mr Laidler agreed to resign from the Gresham's School.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as a teacher at the Warminster School:

- 1. you failed to maintain appropriate professional boundaries with one or more pupils/former pupils in or around May – July 2007 by:**

a. allowing one or more pupils/former pupils to enter and/or stay at your home accommodation;

The allegation was admitted and was supported by evidence presented to the panel, notably the Statement of Agreed Facts in which Mr Laidler admitted the fact of the allegation. The panel however noted that Pupil B had permission to enter and stay at Mr Laidler's home accommodation with such arrangement being agreed by Pupil B's parents and therefore in relation to Pupil B there was no failure to maintain an appropriate professional boundary. The allegation was found proved as Mr Laidler allowed Former Pupil A to enter and/or stay at his home accommodation.

b. permitting Former Pupil A to drive your vehicle;

The allegation was admitted and was supported by evidence presented to the panel, including in the Statement of Agreed Facts signed by Mr Laidler. The allegation was therefore found proved.

c. permitting Former Pupil A to consume alcohol and/or providing alcohol for her to drink;

The allegation was admitted and was supported by evidence presented to the panel. The panel heard evidence from Former Pupil A that Mr Laidler had purchased drinks at the public house. On the balance of probabilities, the panel found that Mr Laidler had bought drinks for Former Pupil A at a public house as well as making alcohol freely available at his home. The allegation was therefore found proved.

d. kissing Former Pupil A;

The allegation was admitted and was supported by evidence presented to the panel. Mr Laidler consistently admitted the facts of this allegation, in the Statement of Agreed Facts and in his police interview; and this was supported by Former Pupil A's account. The allegation was therefore found proved.

e. engaging in sexual activity with Former Pupil A;

The allegation was admitted and was supported by evidence presented to the panel. In particular, Mr Laidler has accepted that he touched Former Pupil A intimately and allowed Former Pupil A to touch him intimately. The panel found that Former Pupil A was in a state of undress in Mr Laidler's bedroom, as was he. The allegation was therefore found proved.

f. communicating with Former Pupil A by text message and/or telling Former Pupil A that she had "a lovely body" or words to that effect;

The allegation was admitted by Mr Laidler in the Statement of Agreed Facts and supported by his earlier police interview. The allegation was therefore found proved.

2. your behaviour as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.

The allegation was admitted in respect of allegations 1 d. and 1 e., and was supported by evidence presented to the panel as referred to above. Those actions were by their nature sexual. However, the panel was not presented with evidence to support that the allegations at 1 a. – c. and 1 f. were of a sexual nature and/or sexually motivated. The allegation was therefore found proved in respect of allegation 1 d. and 1 e. only.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved 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 Laidler in relation to the facts found proved in respect of Former Pupil A but not Pupil B, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Laidler 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;
- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions; and
- showing tolerance of and respect for the rights of others.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Laidler amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Laidler’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offences of sexual activity; serious driving offences, particularly those involving alcohol; and serious offences involving alcohol, were 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 the education setting. The panel considered that Mr Laidler's conduct would have affected the way he fulfilled his teaching and pastoral roles if it was generally known in his school. The panel also considered that Mr Laidler's conduct may have led to pupils, including Former Pupil A, being exposed to, or influenced by, the behaviour in a harmful way.

Accordingly, the panel was satisfied that Mr Laidler was guilty of 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 that they behave.

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

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

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Laidler's conduct amounted 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 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 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; the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Laidler which involved failing to adhere to professional boundaries and engaging in inappropriate, sexual conduct with a former pupil, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate relationship with a child.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Laidler was outside that which could reasonably be tolerated.

In view of 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 Laidler.

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 Mr Laidler. 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, those that were relevant in this case were:

- 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; and
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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

There was no evidence that Mr Laidler's actions were not deliberate. There was no evidence to suggest that Mr Laidler was acting under duress.

It was noted that Mr Laidler did have a previously good history and the panel accepted that the incident appeared to be out of character. The panel was referred to over 30 character references in the hearing bundle. Whilst these statements referred to the

incident being seemingly out of character for Mr Laidler, and that the referees knew Mr Laidler to be an honest person who had cooperated with investigations into these allegations, there were few references which spoke to Mr Laidler's character at the time of the incident or what he had learned from the incident several years ago. At the time of the incident, Mr Laidler did not report his actions to the school, only to a friend.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Laidler 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 Laidler. The severity of the incident, the harm caused to Former Pupil A, and the lack of evidence to demonstrate Mr Laidler's insight or remorse in respect of the impact to Former Pupil A, or steps he had taken to prevent a similar incident from occurring in future were significant factors in forming that opinion. 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 for it to decide to recommend a review period of the order. 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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr Laidler was responsible for engaging in sexual activity with a former pupil when she was heavily under the influence of alcohol, which by its nature was an abuse of his position of trust, as the former pupil's teacher, and which demonstrated a failure to maintain professional boundaries.

Although the panel was referred to character statements which spoke of Mr Laidler's remorse, the panel was not able to test this evidence nor hear from Mr Laidler directly. Further, it was noted that in his police interview Mr Laidler had expressed anger that the incident had been reported by Former Pupil A. Accordingly, the panel was not satisfied

that Mr Laidler had displayed genuine remorse or insight into the impact of his actions on Former Pupil A in particular.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and / or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute, or a relevant conviction. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Paul Laidler should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Laidler 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; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are very serious as they include a finding of failing to adhere to professional boundaries and engaging in inappropriate, sexual conduct with a former pupil who was under the influence of alcohol, which was an abuse of trust and conduct that Mr Laidler ought to have known was wrong.

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 considered therefore whether or not prohibiting Mr Laidler, 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, “there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate relationship with a child”. 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 lack of evidence to demonstrate Mr Laidler’s insight or remorse in respect of the impact to Former Pupil A, or steps he had taken to prevent a similar incident from occurring in future were significant factors”. In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk pupil safety and welfare. 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, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Laidler were not treated with the utmost seriousness when regulating the conduct of the profession”. Although the conduct took place outside the education setting, I am particularly mindful of the finding of engaging in an inappropriate sexual relationship with a former pupil 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 Laidler himself. The panel comment "It was noted that Mr Laidler did have a previously good history and the panel accepted that the incident appeared to be out of character."

A prohibition order would prevent Mr Laidler from teaching. A prohibition order 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 the lack of insight or remorse. The panel has said, "Although the panel was referred to character statements which spoke of Mr Laidler's remorse, the panel was not able to test this evidence nor hear from Mr Laidler directly. Further, it was noted that in his police interview Mr Laidler had expressed anger that the incident had been reported by Former Pupil A. Accordingly, the panel was not satisfied that Mr Laidler had displayed genuine remorse or insight into the impact of his actions on Former Pupil A in particular".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Laidler 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 remorse or 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 that no provision should be made for a review period.

I have carefully considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr Laidler was responsible for engaging in sexual activity with a former pupil when she was heavily under the influence of alcohol, which by its nature was an abuse of his position of trust, as the former pupil's teacher, and which demonstrated a failure to maintain professional boundaries".

Due to the seriousness of the findings in this case and the lack of evidence to fully demonstrate Mr Laidler's insight or remorse to prevent a similar incident from reoccurring

in the future. After careful consideration and despite the severity of the consequences for Mr Laidler, I have decided that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Paul Laidler 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 Laidler 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 Laidler 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 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 8 February 2021

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