



Teaching  
Regulation  
Agency

# **Mr John Lane: Professional conduct panel meeting outcome**

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

**September 2022**

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

<b>Teacher:</b>	Mr John Lane
<b>Teacher ref number:</b>	0261581
<b>Teacher date of birth:</b>	19 October 1974
<b>TRA reference:</b>	19366
<b>Date of determination:</b>	14 September 2022
<b>Former employer:</b>	Education Plus North East, Redcar and Cleveland

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 14 September 2022 by way of a virtual meeting, to consider the case of Mr John Lane.

The panel members were Ms Penny Griffith (lay panellist – in the chair), Mr Clive Sentance (teacher panellist) and Mr Gamel Byles (teacher panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

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 Lane that the allegation be considered without a hearing. Mr Lane provided a signed statement of agreed facts and admitted to a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Louise Ravenscroft of Capsticks LLP, Mr Lane or any representative for Mr Lane.

The meeting took place in private by way of a virtual meeting.

## **Allegations**

The panel considered the allegation set out in the notice of meeting dated 1 September 2022.

It was alleged that Mr Lane was guilty of having been convicted of a relevant offence, in that:

1. On 13 June 2020, he was convicted at County Durham and Darlington Magistrates Court of one count of Attempt/Engage in Sexual Communication with a child on 11 June 2020, contrary to the Sexual Offences Act 2003.

Mr Lane admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence, as set out in the undated statement of agreed facts signed by Mr Lane.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5
- Section 2: Notice of referral, response and notice of meeting – pages 6 to 23
- Section 3: Statement of agreed facts and presenting officer representations – pages 24 to 29
- Section 4: Teaching Regulation Agency documents – pages 30 to 80
- Section 5: Teacher documents – none provided

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

### **Statement of agreed facts**

The panel considered an undated statement of agreed facts which was signed by Mr Lane.

## Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Lane for the allegation 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 Lane worked as a teacher at Education Plus North East ('the School') from 1 September 2018. Mr Lane was issued with a termination of employment letter by the School dated 12 June 2020 and his dismissal took effect on 11 July 2020.

On 11 June 2020, the School was made aware of a public Facebook video that had been posted. The video was recorded and posted by an online paedophile hunting group, known as "Cost Child Safety Team" ('the Group'). The video appeared to show the Group confronting Mr Lane at his home address and of him having engaged in sexualised communication with a child he believed to be 15 years old.

On 11 June 2020, the School reported the video to Durham Constabulary, confirming the identity of Mr Lane and providing them with the details of his home address. Mr Lane was subsequently arrested.

Mr Lane appeared before the County Durham and Darlington Magistrates Court on 13 June 2020 and was convicted of one count of attempt/engage in sexual communication with a child, contrary to the Sexual Offences Act 2003 ('the offence'). Mr Lane pleaded guilty to the offence.

The matter was referred to the TRA on 23 June 2020.

## Findings of fact

The findings of fact are as follows:

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

- 1. On 13 June 2020, you were convicted at County Durham and Darlington Magistrates Court of one count of Attempt/Engage in Sexual Communication with a child on 11 June 2020, contrary to the Sexual Offences Act 2003.**

The panel considered the undated statement of agreed facts signed by Mr Lane. In that statement of agreed facts, Mr Lane admitted the particulars of allegation 1. Further, Mr Lane admitted that the facts of the allegation amounted to a conviction of a relevant offence.

The panel noted page 8 of Teacher misconduct: The prohibition of teachers, referred to as ‘the Advice’, which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Durham Crown Court, which detailed that Mr Lane had been convicted of one count of adult attempt to engage in sexual communication with a child.

In respect of the allegation, Mr Lane was sentenced at Durham Crown Court on 13 June 2020 to 6 months imprisonment suspended for 24 months. In addition, he was:

- made subject to a Sexual Harm Prevention Order for a period of 7 years;
- required to sign the sex offenders register for 7 years;
- ordered to pay a victim surcharge of £128; and
- ordered to take part in a rehabilitation activity requirement as directed for a maximum of 30 days.

On examination of the documents contained in the bundle, the panel was satisfied that the facts of allegation 1 were proved.

## **Findings as to conviction of a relevant offence**

Having found the allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Lane, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Lane 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

- not undermining fundamental British values, including the rule of law,
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Lane's actions might have taken place outside of the education setting, in that it was unclear from the evidence before it whether his communication with an individual he believed to be a child took place during the course of his teaching duties and/or whether the individual was a pupil of the School. However, the panel considered Mr Lane's actions touched upon his profession as a teacher, as he believed he was engaging in sexual communication with a child, and therefore he posed a risk to children of school age.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils, and was contrary to the standard of personal and professional conduct expected of teachers, which would affect his suitability to work with children in an education setting.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Lane's behaviour in committing the offence was likely to affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Lane's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed. This was a case involving an offence of sexual communication with a child, which the Advice states is more likely to be considered as a relevant offence.

The panel noted Mr Lane did not provide any documentation for the panel to consider as part of its deliberations and the panel was not made aware of any mitigating circumstances of the offence. The panel noted that it appeared to be an isolated incident, although serious in nature.

The panel considered that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Lane's ongoing suitability to teach. In all the circumstances, the panel found that this conviction was for a relevant offence. The panel further considered that this finding was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of a conviction of a relevant offence, 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 safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest.

The panel found Mr Lane committed a “relevant offence”, which involved a conviction for adult attempt to engage in sexual communication with a child.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lane was not treated with the utmost seriousness when regulating the conduct of the profession. Further, the panel considered there was a strong public interest consideration in respect of the protection of pupils.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Lane fell seriously short of these standards.

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 Lane.

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 Lane. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers’ Standards;



- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.
- abuse of position or trust (particularly involving pupils);
- 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;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- actions or behaviours that undermine fundamental British values of the rule of law.

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 Lane's actions were not deliberate.

There was no evidence to suggest that Mr Lane was acting under extreme duress.

Other than standard employment references obtained by the School prior to Mr Lane's appointment, no evidence was submitted to attest to Mr Lane's previous history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.

No mitigation evidence was submitted on behalf of Mr Lane or which showed that he had shown insight into his actions. The panel had not been provided with any information regarding Mr Lane's fulfilment of his sentence (including his rehabilitation activity requirement).

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, as Mr Lane had been convicted of a serious offence involving sexual communications with a child. Recommending that the publication of adverse findings was sufficient would unacceptably undermine the public interest considerations present in this case, despite the severity of the consequences for Mr Lane of prohibition.

The panel noted the timing of the offence, when schools were only physically open on a limited basis due to the COVID-19 pandemic, which initiated an increase in pupil/ teacher

interactions online. The panel considered online safety would have been a major consideration for the teaching profession at that time, and that it would have been highly unlikely that Mr Lane would not have been aware of this. The panel noted that the incident occurred on social media and found Mr Lane should have been acutely aware of the need to observe the protocols for safe online behaviour on this platform.

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 Lane. The seriousness of the offence was a significant factor 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 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 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 include any sexual misconduct involving a child. The panel found that Mr Lane was convicted for adult attempt to engage in sexual communication with a child.

The panel considered Mr Lane's behaviour to be at the more serious end of the spectrum and incompatible with being a teacher. The panel noted Mr Lane had not offered any explanation or reassurance that there would not be a repetition of his behaviour.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Lane was not responsible for any such behaviours.

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 provisions 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 the allegation proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Lane 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
    - not undermining fundamental British values, including the rule of law,
- 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 Lane fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of one count of adult attempt to engage in sexual communication with a child.

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 Lane, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "the behaviour involved in committing the offence could have had an impact on the safety or security of pupils, and was contrary to the standard of personal and professional conduct expected of teachers,

which would affect his suitability to work with children in an education setting.” 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, “No mitigation evidence was submitted on behalf of Mr Lane or which showed that he had shown insight into his actions. The panel had not been provided with any information regarding Mr Lane’s fulfilment of his sentence (including his rehabilitation activity requirement).” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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, “The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lane was not treated with the utmost seriousness when regulating the conduct of the profession. Further, the panel considered there was a strong public interest consideration in respect of the protection of pupils.” I am particularly mindful of the finding involving attempt of sexual communication with a child in this case and the impact that such a finding has on the reputation of the profession.

I have considered the risk to children and given considerable weight to the following comment from the panel “Mr Lane’s actions might have taken place outside of the education setting, in that it was unclear from the evidence before it whether his communication with an individual he believed to be a child took place during the course of his teaching duties and/or whether the individual was a pupil of the School. However, the panel considered Mr Lane’s actions touched upon his profession as a teacher, as he believed he was engaging in sexual communication with a child, and therefore he posed a risk to children of school age.”

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 Lane himself and the panel comment “Other than standard employment references obtained by the School prior to Mr Lane’s appointment, no evidence was submitted to attest to Mr Lane’s previous

history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.”

A prohibition order would prevent Mr Lane 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 considered Mr Lane’s behaviour to be at the more serious end of the spectrum and incompatible with being a teacher. The panel noted Mr Lane had not offered any explanation or reassurance that there would not be a repetition of his behaviour.”

I have also placed considerable weight on the finding of the panel, who “noted the timing of the offence, when schools were only physically open on a limited basis due to the COVID-19 pandemic, which initiated an increase in pupil/ teacher interactions online. The panel considered online safety would have been a major consideration for the teaching profession at that time, and that it would have been highly unlikely that Mr Lane would not have been aware of this. The panel noted that the incident occurred on social media and found Mr Lane should have been acutely aware of the need to observe the protocols for safe online behaviour on this platform.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lane 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 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 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 include any sexual misconduct involving a child. The panel found that Mr Lane was convicted for adult attempt to engage in sexual communication with a child.”

Factors mean allowing a review period is not appropriate in this case, these elements include the seriousness of the findings involving attempting sexual communication with a child and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr John Lane 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 allegation found proved against him, I have decided that Mr John Lane 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 John Lane has a right of appeal to the King'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 horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 20 September 2022**

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