



Teaching
Regulation
Agency

Mrs Katherine Lake: Professional conduct panel meeting outcome

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

October 2020

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

Teacher:	Mrs Katherine Lake
Teacher ref number:	0049694
Teacher date of birth:	18 May 1976
TRA reference:	18869
Date of determination:	26 October 2020
Former employer:	Reepham High School and College, Reepham, Norfolk

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 26 October 2020 by video conference to consider the case of Mrs Katherine Lake.

The panel members were Karen McArthur (lay panellist – in the chair), Roger Woods (former teacher panellist) and Steven Berryman (teacher panellist).

The legal adviser to the panel was Ms Josie Beal 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 Mrs Lake that the allegations be considered without a hearing. Mrs Lake provided a signed Statement of Agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Louisa Atkin, Mrs Lake or her representative Emma Thomas of NASUWT.

The meeting took place in private, and the decision was also announced in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 13 October 2020.

It was alleged that Mrs Lake was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Mrs Lake attended the Year 11 Leavers' Prom on 26th June 2019 where she engaged in inappropriate behaviour and/or failed to maintain appropriate boundaries with one or more pupils in that she:
 - a) Drank alcohol to an inappropriate extent and/or became inappropriately inebriated.
 - b) Sat on the lap of Pupil A.
 - c) Exposed her breasts for a photograph in the presence of one or more pupils;
and
 - d) Smoked a cigarette with Pupil A.

Mrs Lake admits the facts of the allegations against her and that her behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the Statement of Agreed Facts dated 12 June 2020.

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: Notice of Referral and Response – pages 2 to 11

Section 2: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 17

Section 3: Teaching Regulation Agency Documents – pages 19 to 181

Section 4: Teacher Documents – pages 183 to 187

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 a Statement of Agreed facts which was signed by Mrs Lake on 12 June 2020 which related to Mrs Lake engaging in inappropriate behaviour and/or failing to maintain appropriate boundaries with one or more pupils on the evening of 26 June 2019 at the Year 11 Leavers' Prom. Mrs Lake admitted in the Statement of Agreed facts to having engaged in this inappropriate behaviour and failed to maintain appropriate boundaries.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mrs Lake for the allegations 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.

In summary, Mrs Lake had been employed as the Head of PE at Reepham High School and College ("School") from 1 January 2008 to 16 September 2019.

On the evening of 26 June 2019, Mrs Lake attended the Year 11 Leavers' Prom with students and other staff members. Mrs Lake met with other staff members at a colleague's house at approximately 5pm and consumed between half to three-quarters of a bottle of wine. After arriving at the Leavers' Prom at approximately 6pm, Mrs Lake consumed at least four more glasses of wine and became inappropriately inebriated.

Throughout the evening, Mrs Lake engaged in inappropriate behaviour with one or more pupils. At around 9pm, Mrs Lake fell over whilst attempting to sit on the lap of Pupil A and then sat on his lap. At some point during the evening, Mrs Lake entered a photo booth with five pupils and exposed her breasts in the final photograph. At another point in the evening, Mrs Lake smoked a cigarette with Pupil A outside the venue.

On 9 September 2019, Mrs Lake attended a disciplinary meeting which was reconvened on 16 September 2019. Mrs Lake was under the influence of alcohol at the time the events took place and could not recall events, however she accepted them. She was dismissed on 16 September 2019.

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:

The allegations were admitted and were supported by evidence presented to the panel within the bundle, the allegations were therefore, found proved.

1. **On 26 June 2019 at the Year 11 Leavers' Prom, you engaged in inappropriate behaviour and/or failed to maintain appropriate boundaries with one or more pupils in that you:**
 - a) **Drank alcohol to an inappropriate extent and/or became inappropriately inebriated.**
 - b) **Sat on the lap of Pupil A.**
 - c) **Exposed your breasts for a photograph in the presence of one or more pupils; and**
 - d) **Smoked a cigarette with Pupil A.**

In respect of allegations 1a and 1d the panel noted that some of the evidence provided was hearsay evidence. The panel noted that hearsay evidence was admissible in civil proceedings but that it should be recognised as hearsay and the panel should determine the weight to be placed on it.

The panel considered the hearsay evidence and noted that it was corroborated by direct evidence which indicated that Mrs Lake had been drinking both before and during the Leavers' Prom and that she had been smoking with Pupil A.

The panel also noted that in the Statement of Agreed facts, Mrs Lake admitted to consuming between half to three-quarters of a bottle of wine before she arrived at the Leavers' Prom and, after arriving at the Leavers' Prom, to consuming at least four more glasses of wine and becoming inappropriately inebriated. Mrs Lake also admitted to smoking a cigarette with Pupil A outside the venue.

On examination of the documents before the panel, the panel was satisfied on the balance of probabilities that the allegations were proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of the 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 Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

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

The panel was satisfied that the conduct of Mrs Lake fell short of the standards expected of the profession.

The panel also considered whether Mrs Lake’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel noted that the allegations took place outside the education setting and that Mrs Lake was not “on duty” at the Leavers’ Prom. However, the panel concluded that there was an expectation of professional conduct at a School event and the panel also noted that the pupils attending the Leavers’ Prom may not necessarily have realised that Mrs Lake was not “on duty”.

Accordingly, the panel was satisfied that Mrs Lake 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 they behave.

The panel considered that Mrs Lake’s behaviour, in committing the misconduct whilst holding a position of authority, as a teacher of many years’ experience could affect public confidence in the teaching profession.

Having found the facts of the allegations proved, the panel found that Mrs Lake'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 a 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 a 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 maintenance of public confidence in the profession; and, declaring and upholding proper standards of conduct.

The panel decided that there was a strong public interest consideration in declaring and upholding proper standards of conduct, as the conduct found against Mrs Lake was outside that which could reasonably be tolerated.

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

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 Mrs Lake.

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 Mrs Lake. 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.

Even though the conduct 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 evidence, that Mrs Lake had been suffering [Redacted], which perhaps caused her to drink more excessively than she would have done. Mrs Lake indicated that she had sought help and she had stated that she would not drink at school events again. However, the panel noted that no evidence had been provided regarding the help Mrs Lake had sought.

There was evidence that Mrs Lake's conduct was out of character within the educational setting and/or at school events. She had previously had a long and good record as a teacher. She had worked at the School for many years and held the position of Head of PE. However, the panel noted that up to date references or character attestations had not been provided as part of the bundle of documents before the panel.

Mrs Lake also accepts full responsibility for her actions and understands the seriousness of her actions for which she has communicated her remorse from the outset of this matter. She has therefore demonstrated insight into her conduct.

In light of the panel's findings:

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Lake 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 Mrs Lake and the seriousness of the misconduct and the boundaries that had been crossed 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 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 two years.

The panel decided that the findings indicated a situation in which a review period of would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of two years.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mrs Katherine Lake should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mrs Lake 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.

The panel finds that the conduct of Mrs Lake fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of misconduct whilst holding a position of authority, when Mrs Lake attended the Year 11 Leavers' Prom, where she engaged in inappropriate behaviour and/or failed to maintain appropriate boundaries with one or more pupils.

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 Mrs Lake and the impact that will have on her, 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 noted “the allegations took place outside the education setting and that Mrs Lake was not “on duty” at the Leavers’ Prom. However, the panel concluded that there was an expectation of professional conduct at a School event and the panel also noted that the pupils attending the Leavers’ Prom may not necessarily have realised that Mrs Lake was not “on duty”.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows “Mrs Lake was under the influence of alcohol at the time the events took place and could not recall events, however she accepted them” and that she “accepts full responsibility for her actions and understands the seriousness of her actions for which she has communicated her remorse.” The panel has also commented that “Mrs Lake indicated that she had sought help and she had stated that she would not drink at school events again. However, the panel noted that no evidence had been provided regarding the help Mrs Lake had sought.” In my judgement, there is some risk of the repetition of this behaviour and 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 conduct found against Mrs Lake was outside that which could reasonably be tolerated.” I am particularly mindful of the finding of inappropriate behaviour and failure to maintain appropriate boundaries with pupils 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 Mrs Lake herself and noted the panel's comment "She had previously had a long and good record as a teacher. She had worked at the School for many years and held the position of Head of PE."

A prohibition order would prevent Mrs Lake from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Lake 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.

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 a 2 year review period.

I have considered the panel's comments "the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of two years."

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I believe that it is.

This means that Mrs Katherine Lake 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 11 November 2022, 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, Mrs Lake remains prohibited from teaching indefinitely.

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

Mrs Lake 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.



Decision maker: Sarah Buxcey

Date: 2 November 2020

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