



Teaching  
Regulation  
Agency

# **Mr Orry Loader: Professional conduct panel outcome**

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

**February 2023**

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

<b>Teacher:</b>	Mr Orry Loader
<b>Teacher ref number:</b>	3768446
<b>Teacher date of birth:</b>	29 October 1994
<b>TRA reference:</b>	20549
<b>Date of determination:</b>	21 February 2023
<b>Former employer:</b>	Trafalgar School

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 20 and 21 February 2022, to consider the case of Mr Orry Loader.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Ms Susanne Staab (teacher panellist) and Ms Charlotte Kelly (lay panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Stephen Ferson of Kingsley Napley solicitors.

Mr Loader was 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 hearing (as amended in the course of the hearing) dated 8 December 2022.

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

1. On 15 July 2021 at Portsmouth Magistrates Court of failing to provide a sample for analysis on 29 May 2021 contrary to section 7 of the Road Traffic Act 1988.

It was also alleged that Mr Loader was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as physical education teacher at Trafalgar School between May and July 2021 he:

2. Did not advise the school, in a timely manner, of his arrest and/or charge on or around 29 May 2021;
3. Told Colleague B that he required leave from school on 15 July 2021 to attend a dentist appointment, when this was not the case;
4. Did not advise the school, in a timely manner, of his conviction on 15 July 2021;
5. In a meeting with Witness A on or around 23 July 2021, he did not provide a full account and/or withheld details of the events leading up to, and surrounding, his arrest and/or charge on 29 May 2021;
6. His actions at paragraph(s) 2, 3, 4 and/or 5 were dishonest.

In the notice of hearing response form dated 8 January 2023 form and the statement of agreed facts Mr Loader signed on 27 November 2022, he indicated he admitted the facts of allegations 1 to 3 and 5 to 6 but indicated that there was mitigation in relation to allegations 2, 3 and 5 relating to legal advice he received at the time and the meeting he had with a colleague which would affect his admissions.

He also denied allegation 4 in its entirety which he further stated in the hearing.

He also did not accept his conduct, as stated in allegation 6, was dishonest in relation to allegations 2 to 5. The panel therefore considered the factual particulars of allegations 2 to 6 were not admitted in full.

Mr Loader admitted in the notice of hearing response form dated 8 January 2023, the statement of agreed facts and at the start of the hearing that his conduct amounted to conviction of a relevant offence and unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Application for part of the hearing in private**

The presenting officer made an application for part of the hearing to be heard in private. The panel noted from the hearing bundle that there is information relating to health matters. The panel was mindful of the power under paragraph 5.84 of the Teacher misconduct: Disciplinary procedures for the teaching profession ("the Procedures") that enables the panel to hear all or part of the hearing in private session if it appears necessary in the interests of justice. Mr Loader did not object to matters relating to his health or private life being considered in private session.

The panel determined that it would not be appropriate to hear submissions from either of the parties about health or privacy matters in public session and therefore determined it would notify the parties of when the hearing may go into private session so that any member of the public would need to leave if private matters were discussed.

### **Amendment of the allegations**

The presenting officer made an application for an amendment to allegation 1. The panel noted that allegation 1 both within the notice of hearing and in the statement of agreed facts refers to an incorrect date for the Road Traffic Act. The year has been stated as 1998 – instead of 1988 which is contained within the Memorandum of Conviction within the bundle. The panel considered that if allegation 1 was not amended it would fail for technical reasons and it would be open to the TRA to amend the allegation and re-bring it against Mr Loader.

The panel is aware that paragraph 5.82 of the Procedures indicates that at any stage before making its decision as to whether the facts of the case have been proved, the panel may, if it is in the interests of justice to do so, amend an allegation. Before doing so, the panel must invite representations from the parties and take legal advice from the legal adviser.

Neither the presenting officer nor Mr Loader objected to an amendment to the date of the Road Traffic Act. The panel was confident that Mr Loader understood the reason for the presenting officer's application and it did not prejudice him as it would result in there not being a delay in these proceedings. Mr Loader stated in the statement of agreed facts that he admitted the factual particulars of allegation 1 and he has not denied that he has been convicted of an offence under the Road Traffic Act. It seemed to the panel that the incorrect year was caused by a typographical error which is a technical deficiency but did not affect the substance of the allegation.

The panel considered it was in the interests of justice to ensure that the correct date of the legislation was referred to in allegation 1 and therefore agreed that the date of the Road Traffic Act should be amended to state 1988 instead of 1998.

## **Summary of evidence**

### **Documents**

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

Section 1: Index, chronology and list of key people– pages 1 to 6

Section 2: Notice of hearing and response and statement of agreed facts– pages 7 to 26

Section 3: Teaching Regulation Agency witness statements – pages 27 to 37

Section 4: Teaching Regulation Agency documents – pages 38 to 268

Section 5: Teacher documents – pages 269 to 395

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

### **Witnesses**

The panel heard oral evidence from the following called by the presenting officer:

- Witness A - [REDACTED];
- Witness B - [REDACTED] and

Mr Loader also gave oral evidence.

## **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 Loader was employed by the Trafalgar School ("the School") as a physical education teacher between 1 September 2020 and 15 November 2021. On 7 June 2021 he was promoted to assistant head of house. On 29 May 2021, Mr Loader was charged with failing to provide a specimen contrary to the Road Traffic Act 1988. Mr Loader was sentenced to a fine and disqualified from driving for 12 months. Mr Loader requested time off work on 15 July 2021 for the dentist which was the date of when he was required

to attend Portsmouth Magistrates Court. Mr Loader received notification of suspension on 1 September 2021 and was summarily dismissed on 15 November 2021.

## **Findings of fact**

**You have been convicted of a relevant offence, namely:**

- 1. On 15 July 2021 at Portsmouth Magistrates Court of failing to provide a sample for analysis on 29 May 2021, contrary to section 7 of the Road Traffic Act 1988:**

The panel noted from the legal advice received that a panel can accept a relevant certificate or memorandum of conviction as proof of the commission of the offence concerned.

The factual particulars of allegation 1 were admitted in the statement of agreed facts signed by Mr Loader on 27 November 2022 and the notice of hearing response form dated 8 January 2023. Mr Loader also admitted this allegation at the start of the hearing. In her witness statement, Witness A confirmed that she was made aware by Mr Loader that he was convicted for failing to provide a specimen of urine to the police following an incident on 29 May 2021. Witness A's statement also indicated that Mr Loader was convicted at Portsmouth Magistrates Court on 15 July 2021 for failing to provide a specimen to be tested by the police as they had reason to believe he was driving a motor vehicle whilst under the influence of alcohol. This allegation was also supported by the memorandum of an entry in the register of the East Hampshire Magistrates' Court within the bundle. This allegation was therefore found proven.

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as physical education teacher at Trafalgar School between May and July 2021 you:**

- 2. Did not advise the school, in a timely manner, of your arrest and/or charge on or around 29 May 2021;**

The presenting officer drew the panel's attention to the School's Code of Conduct which refers to staff being under an obligation to inform the headteacher if they are investigated "in relation to any aspect of their lives or are arrested". Witness A's oral evidence was that Mr Loader had signed induction documents to confirm that he had read and understood the Code of Conduct.

Witness A's oral evidence was that Mr Loader contacted Individual C to arrange a meeting with her. Witness A considered that as he had been convicted of a criminal offence then it was a matter of urgency for Mr Loader or any staff member to notify her as [REDACTED] as soon as possible.

Upon being questioned by the panel, Witness A indicated that every year the School's designated safeguarding lead would provide updated verbal training to staff members to reinforce that if they or any member of their family were investigated by the police they should notify the School. The panel noted however, that the Code of Conduct did not indicate that any notification should be provided within a specific timeframe.

The panel noted from Mr Loader's admissions at the start of the hearing that he has admitted that he did not tell the School of his arrest on or around 29 May 2021, but he does not admit that he failed to tell the School in a timely manner.

When questioned by the panel during the hearing, Mr Loader stated he was aware of the School's Code of Conduct at the time of his induction and he had signed the checklist to confirm he was aware of it. However, his evidence was that the Code of Conduct is a lengthy document and it did not stick in his mind.

The panel had regard to the minutes of the investigation meeting that Mr Loader attended on 16 September 2021. In those minutes, Mr Loader is recorded as stating that his solicitor advised him that he was innocent until proven otherwise and he should not tell the School of his arrest as he could get into a lot of trouble.

It was Mr Loader's oral evidence that he sought advice from a criminal solicitor following his arrest including whether to notify his employer. Mr Loader stated that his solicitor said it was not necessary to inform his employer as he had only been charged and not convicted and he should not tell them at that stage. When cross examined, by the presenting officer, Mr Loader stated that he had a lot going on at home in his personal life and he did not seek advice from or speak to family members or his union and therefore he followed his solicitor's advice. The panel consider Mr Loader's evidence that a solicitor mentioned he should not tell the School of his arrest at the time, was credible. However, the panel considered that Mr Loader should have known that he was under a duty or obligation to notify the School of his arrest regardless.

When cross-examined by the panel, Mr Loader admitted that he knew he had been arrested by the police and when he met with Witness A, he did say that the police officer asked him to accompany him to the police station which was the words he recalls the officer stating to him at the time.

Mr Loader's further evidence was that he recalled stating during the meeting with Witness A that he attended the police station voluntarily. As Mr Loader knew he had been arrested he understood that he was not as clear with Witness A as he could have been but he did not accept that he had not told the School in a timely manner. In his view, he was following the advice he had received from a solicitor which he has maintained throughout the School's investigation and these proceedings. Regardless of whether such advice was given, the panel considered Mr Loader's safeguarding training would



have made him aware that notification should have happened as soon as possible after his arrest.

Taking all of the evidence into account, the panel found this allegation proven on the balance of probabilities. The panel preferred the evidence of Witness A who was a credible witness. The panel considered that based on his safeguarding training, Mr Loader would have been aware that he should bring his arrest and/or charge to the School's attention regardless of the fact that no timeframe is set out in the Code of Conduct. Mr Loader took just over seven weeks to alert the School which, in the panel's view, was not done in a timely manner and certainly not on or around 29 May 2021.

### **3. Told Colleague B that you required leave from school on 15 July 2021 to attend a dentist appointment, when this was not the case;**

In his opening submissions the presenting officer referred to a WhatsApp message that Mr Loader sent [REDACTED] – Colleague B which stated he had a dentist appointment at 2.30pm on 15 July 2021. The panel noted from the copy of the WhatsApp message and Colleague B's summary of her recollection of this request in the bundle, that this request was considered frustrating as it was necessary to arrange cover for a training session that Mr Loader would miss.

In her oral evidence, Witness A stated that she did not have knowledge of Mr Loader's request for time off work.

During his oral evidence, Mr Loader admitted that he asked for time off for a dentist appointment on 15 July 2021, rather than explaining he was required to attend court. He further explained that teachers do not get annual leave and he did not think he would be able to get the time off without providing a reason. He stated that he did not tell the School that he needed to attend a court hearing as he was following the advice from his criminal law solicitor regarding not telling his employer before any conviction.

The panel considered that Mr Loader went to some length to create a story as to why he should receive time off and he could have simply stated that he needed time off for personal reasons.

The panel therefore found this allegation proven.

### **4. Did not advise the school, in a timely manner, of your conviction on 15 July 2021;**

The presenting officer referred the panel to a short, written statement from Individual C to Witness A, in which she stated that she was asked by Mr Loader by email on 20 July 2023 to arrange a meeting with Witness A. Individual C formed the impression that there was no urgency for the meeting with Witness A. The panel noted from copies of emails

between Mr Loader and Individual C in the bundle, that there was some to-ing and fro-ing regarding availability.

It is Mr Loader's case that he did not fail to notify the School of his conviction in a timely manner. He stated in oral evidence that after emailing Individual C he went to speak to her in person to confirm a date for the meeting. When questioned by the presenting officer, Mr Loader said he did not feel comfortable informing Individual C of the full reasons as to why he wished to meet with Witness A. Individual C sits in a room with the door open and he did not want others to be aware of his personal circumstances. The panel noted from the documents in the bundle that there was an email from Individual C to Mr Loader which confirmed she had forgotten to arrange the meeting with Witness A and enquired as to whether he still required the meeting. It seemed to the panel that any delay in arranging a meeting with Witness A after it was requested on 20 July was not down to Mr Loader's actions alone.

It is Mr Loader's case that he spoke to Witness A and told her of his conviction in as timely a manner as possible. That was the first time that he could meet with Witness A. Furthermore, as Witness A is an [REDACTED], she was required to attend another school site on at least one or two days a week and there was a sports day in the week post his conviction. Mr Loader believed he acted in a timely manner by asking Individual C to arrange a meeting and then Individual C listing it for 23 July 2021.

However, the panel considered that on the balance of probabilities, Mr Loader did not notify the School of his conviction on 15 July 2021 in a timely manner. From a safeguarding perspective, he should have tried harder to seek an urgent meeting with Witness A when speaking to Individual C and told the School. This allegation is therefore found proven.

## **6. Your actions at paragraph(s) 2, 3, 4 and/or 5 were dishonest.**

As to whether the proven conduct of Mr Loader at allegations 2, 3, 4 was dishonest, the panel applied the legal test for dishonesty, as laid down by the Supreme Court in *Ivey v Genting Casinos [2017]*. The panel first considered his actual state of knowledge or belief as to the facts at the time of the conduct and then considered whether the conduct would be regarded as dishonest by the objective standards of ordinary decent people. The panel recognised that there was no requirement that Mr Loader must have appreciated at the time that his conduct was dishonest by those standards.

The panel considered that Mr Loader was well aware subjectively that he should not have created a false reason for needing to be absent from School. By the objective standards of ordinary decent people, a teacher should not tell a lie in order to obtain time off school. The panel therefore found Mr Loader acted dishonestly in relation to the conduct found proven under allegation 3. Allegation 6 is therefore found proven in relation to allegation 3 only.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**5. In a meeting with Witness A on or around 23 July 2021, you did not provide a full account and/or withheld details of the events leading up to, and surrounding, your arrest and/or charge on 29 May 2021;**

In her statement, Witness A set out what Mr Loader had told her with regards to his arrest. She stated that Mr Loader informed her that he had been out with friends and he had been drinking. As he believed he was not fit to drive he left his car at a friend's house and went to pick it up the following morning. He then picked up the car and he was pulled over by the police as they believed he was driving erratically and thought he was under the influence of alcohol. She further states that Mr Loader informed her that the breathalyser did not work at the side of the road and he voluntarily went to the police station to use the breathalyser there. He further stated that he was then asked to provide a blood sample, however the health care assistant was not available for this so he was asked to provide a first urine sample, which he did. He was unable to provide a second urine sample which resulted in him being charged with failing to provide a specimen.

The presenting officer drew the panel's attention to an email from the local authority designated officer to the school that contained responses from the police officer in charge of Mr Loader's case. It stated that Mr Loader was suspected of being under the influence of alcohol at the road side when pulled over. He failed a road side breathalyser test and was then arrested. He was then asked to undertake an evidential intoximeter machine test at the police station which resulted in a higher blood alcohol level. The repeat test was inconclusive and as a blood test was unavailable it was necessary for the police to request urine samples. The police officer indicated that all suspects are given the opportunity to provide two samples of the same kind and as Mr Loader was unable to do so, he was charged with failing to provide a second sample when requested.

In her oral evidence, Witness A stated that in the meeting on 23 July 2021 with Mr Loader he told her he had pleaded guilty to an offence as his solicitor told him to do so, and he did not attend court. She believed he was convicted in his absence. When questioned by the panel, Mr Loader was insistent that he had not said he did not attend court but he could not recall whether he said that he had attended court on 15 July 2021 or if he did not mention it at all.

Witness A's oral evidence is that she felt sorry for Mr Loader and angry on his behalf as it seemed like this was an unfortunate series of events that led to him being required to give samples to the police. Witness A's oral evidence was that she was subsequently really angry upon receiving the police officer's account as it appeared to her that Mr Loader had lied to her. She considered he had not told her the full circumstances of his arrest, charge and conviction, which she considered is required by the Code of Conduct.

When questioned by the panel, Witness A said that she listened to Mr Loader during their short 10 minute meeting and did not take any notes. She said she wrote up bullet points of her memory of the meeting shortly after, but she did not fully write up an account until she returned to School after the summer holidays in early September 2021. The panel found Witness A's evidence credible as it was clearly what she believed Mr Loader had told her. However, due to the meeting taking place on the last day of term, she had limited time to write up her notes. Consequently, her September 2021 written account was based on her recollection rather than contemporaneous notes.

In her witness statement, Witness A stated that during the meeting with Mr Loader on 23 July 2021, Mr Loader indicated that he had received advice from his solicitor that he should not mention his arrest to the School sooner. In her oral evidence she said she never received any further information about the legal advice he received. When questioned by the presenting officer and the panel, Mr Loader stated that he had requested a copy of the legal advice and despite repeated requests it was not provided.

The panel found Witness B to be a credible witness, however her evidence reinforced the information she was told by Witness A but did not add to it.

The panel found both explanations by Mr Loader and Witness A credible and concluded that he did provide details to the School about his arrest and/or charge during the meeting on 23 July 2021. No account was more credible than the other. As a result the panel was not satisfied on the balance of probabilities that Mr Loader had not provided a full account or withheld details of the events leading up to, and surrounding his arrest or charge on 29 May 2021. This allegation is therefore found not proven.

#### **6. Your actions at paragraph(s) 2, 3, 4 and/or 5 were dishonest.**

The panel considered allegation 6 further in the context of allegations 2 and 4 which were found proven.

The panel considered Mr Loader's evidence that he had sought advice from a solicitor. Mr Loader consistently maintained in his oral evidence that the solicitor advised that he should not tell his employer about his arrest or charge before he was convicted. The panel considered this account was credible. It was the panel's view that Mr Loader had a genuine belief that he had been legally advised not to tell the School.

The panel also found that even though Mr Loader had not notified the School in a timely manner of his conviction, he tried to meet with Witness A as soon as was manageable in the context of his and other staff members' schedule with it being the last week of the summer term.

The panel also considered that objectively, by the standards of ordinary decent people, if anyone had been told by a solicitor not to reveal information they would follow that advice. Mr Loader had taken steps to inform the School once he was convicted.

Therefore, the objective test from *Ivey* case was not met. Therefore, the panel did not find that Mr Loader acted dishonestly in relation to the facts found proved under allegations 2 and 4, and in this respect allegation 6 was not found proven.

### **Findings as to conviction of a relevant offence and/or 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 conviction of a relevant offence and/or 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 Loader, in relation to the facts it found proved in relation to allegations 1, 2, 3, 4 and 6 (in the context of allegation 3) involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Loader was in breach of the following standards:

A teacher is expected to demonstrate consistently high standards of personal and professional conduct.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school,
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...,
- 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 Loader’s actions were not relevant to his professional duties when teaching, working with children and/or working in an education setting. The panel noted his conviction was incurred outside Mr Loader’s teaching duties and did not have any impact on his ability to carry out those same duties. However, his conviction did affect his suitability as a teacher.

The panel noted that Mr Loader’s behaviour involved in committing the offence could have had an impact on the safety and/or security of members of the public but there was no evidence in this case that his actions did so or that there was any impact on the safety or security of pupils.

The panel noted that Mr Loader's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case concerning an offence which did not involve any of the serious categories of conduct set out in the Advice document. Although, the panel recognised that Mr Loader's conviction could potentially be considered a serious driving offence, involving alcohol, Mr Loader was in fact convicted of having failed to provide a second urine sample when requested. The panel considered his offence was serious but at the lower end of the possible spectrum.

Although the panel did not consider that Mr Loader's actions impacted on his teaching ability or the safety or security of pupils or the public, he has been convicted of an offence that is contrary to the personal and professional conduct expected by the Teachers' Standards. This was relevant to Mr Loader's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel was satisfied that the conduct of Mr Loader amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel considered that in relation to allegations 2 and 4 it should have been obvious to Mr Loader that he should tell the School promptly of his arrest, charge and conviction as it is relevant to safeguarding. The panel also considered that his proven dishonesty in relation to allegation 3, providing a false reason for requiring time off, also fell significantly short of the standards.

Accordingly, the panel was satisfied that Mr Loader 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 panel consider the findings of misconduct to be serious as Mr Loader should have realised that, in line with both the School's and general safeguarding procedures, a School would need to know if a teacher has been charged and convicted. The conduct displayed by Mr Loader suggests that he was not clearly aware of the safeguarding implications of his failure to disclose his arrest, charge and conviction at the earliest opportunity. This failure would be likely to have a negative impact on Mr Loader's status as a teacher and would potentially damage the public perception of him and the profession.

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

Having found the facts of particulars 2, 3, 4 and allegation 6 (in part) proved, the panel further found that Mr Loader'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 a conviction of a relevant offence, 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 safeguarding and wellbeing of pupils...;
- the maintenance of public confidence in the profession – assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, as well as other issues involved in the case;
- declaring and upholding proper standards of conduct within the teaching profession;
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Loader did not disclose his arrest and conviction in a timely manner. This showed a lack of awareness of his safeguarding obligations.

The standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, would likely consider that the proven conduct does not undermine his technical competence as a teacher. However, his lack of honesty when seeking time off

work to attend court and not reporting his arrest and conviction in a timely manner would be of concern to the ordinary intelligent citizen.

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

The panel was of the view that there was a public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mr Loader was unacceptable and he had breached the Teachers' Standards.

The panel recognised that there was a public interest consideration in retaining Mr Loader as a teacher in the profession. In her oral evidence Witness A spoke positively about his abilities as an educator.

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 Loader.

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 Loader. 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; The panel considered that Mr Loader acted in breach of the Teachers' Standards referred to earlier in this decision.
- 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; The panel noted from the legal advice provided by the legal adviser that offences under the Road Traffic Act 1988 are not listed as relevant matters in section 113(A)(6D) of the Police Act 1997. Nevertheless, the panel considered Mr Loader's criminal conviction was serious but at the lower end of the possible spectrum
- dishonesty or a lack of integrity, including the deliberate concealment of their actions..., especially where these behaviours have been repeated or had serious consequences,..." The panel found that Mr Loader had acted dishonestly when he created a false reason for needing time off work on 15 July 2021;

Even though some of the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating



factors. The panel noted from the Advice document that mitigating factors in certain cases may indicate that a prohibition order might not be appropriate or proportionate.

The panel found that Mr Loader's conduct in relation to allegation 3, in creating a false reason for needing time off was deliberate. Also not reporting his arrest, charge or conviction to the School in a timely manner was deliberate, albeit he did this in compliance with legal advice he received.

There was no evidence that Mr Loader was under extreme duress at the time the conduct took place. However, it was clear to the panel his personal health and family circumstances were stressful at the time which led to him failing to seek support from family members or his union adviser. These may have contributed to his decisions which, he submitted during the hearing, were poor.

The panel noted that Mr Loader is at the start of his career. Even though he had not been in the profession for a long period of time, Witness A confirmed in her oral evidence that he was recognised as a strong teacher with potential. He was encouraged to apply for an assistant head of house role which he successfully attained. This suggests that Mr Loader had high standards in both his personal and professional conduct prior these proceedings. This was re-affirmed in the presenting officer's submissions in that Mr Loader was of previous good character. Mr Loader had no other regulatory matters confirmed against him or other previous proceedings or warnings.

Included in the bundle was a character reference from a former witness and friend which indicated that Mr Loader was a patient and nurturing employee who completed tasks on time and to a high standard and that at all times he was honest, dedicated and professional. The person providing the character reference considers that continued employment in the field of education would mean a school would have someone who is truly dedicated and willing to go above and beyond what is required of them.

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 Loader of prohibition.

The panel considered that a prohibition would strike the right balance between the rights of Mr Loader and the public interest.

The panel decided that the public interest considerations outweighed the interests of Mr Loader. Mr Loader's personal health and family circumstances were indeed stressful at

the time but this did not excuse his behaviour. The severity of his criminal offence and the fact he chose to provide a false reason for needing time off school 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. The panel found none of these behaviours were relevant in this case.

The Advice indicates that where a case involves serious dishonesty, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. However, the panel did not consider Mr Loader's conduct amounted to serious dishonesty. His conduct was informed by external legal advice and the impact of his dishonesty, in giving a false reason for needing time off, was unlikely to have a serious adverse impact on his students. However, it clearly eroded the trust and confidence between him and his employer.

In his submissions, Mr Loader stated that he recognises that he had made mistakes and made some poor decisions albeit partly based on solicitor's advice. Mr Loader believed if had sought advice from his union earlier he would not be in this position. He also indicated that in future he would seek wider advice including from colleagues and family members and helplines provided by employers. The panel recognised Mr Loader's remorse and insight was genuine.

Mr Loader submitted that he has always been of a good character and he has a positive impact on his pupils. He believed he had a lot to give and he does not believe that his career should be cut short based on what has happened. The panel recognised that Mr Loader demonstrated a genuine love of teaching.

The panel decided that its findings indicated a situation in which a review period would be appropriate as Mr Loader needed more time to demonstrate that he has learnt from his poor choices and therefore, such conduct would not be repeated in the future, even if his family circumstances were to be stressful. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 2 years. The panel considered that this was a sufficient review period on the basis that Mr Loader clearly was a good teacher and had more to offer the teaching profession.

## 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 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 relation to allegations 1, 2, 3, 4 and 6 (in the context of allegation 3) and a relevant conviction in relation to allegation 1. In this case, the panel has found some of the allegations not proven including 5. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Loader is in breach of the following standards:

A teacher is expected to demonstrate consistently high standards of personal and professional conduct.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school,
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...,
- 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 Loader fell significantly short of the standards expected of the profession.

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 Loader, 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 safeguard pupils. The panel has observed, "There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Loader did not disclose his arrest and conviction in a timely manner. This showed a lack of awareness of his safeguarding obligations." 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, "Mr Loader stated that he recognises that he had made mistakes and made some poor decisions albeit partly based on solicitor's advice. Mr Loader believed if had sought advice from his union earlier he would not be in this position. He also indicated that in future he would seek wider advice including from colleagues and family members and helplines provided by employers. The panel recognised Mr Loader's remorse and insight was genuine."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "Although the panel did not consider that Mr Loader's actions impacted on his teaching ability or the safety or security of pupils or the public, he has been convicted of an offence that is contrary to the personal and professional conduct expected by the Teachers' Standards. This was relevant to Mr Loader's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching 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 Loader himself and the panel comment "The panel noted that Mr Loader is at the start of his career. Even though he had not been in the profession for a long period of time, Witness A confirmed in her oral evidence that he was recognised as a strong teacher with potential. He was encouraged to apply for an assistant head of house role which he successfully attained. This suggests that Mr Loader had high standards in both his personal and professional conduct prior these proceedings. This was re-affirmed in the presenting officer's submissions in that Mr Loader was of previous good character. Mr Loader had no other regulatory matters confirmed against him or other previous proceedings or warnings."

A prohibition order would prevent Mr Loader 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, "The standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, would likely consider that the proven conduct does not undermine his technical competence as a teacher. However, his lack of honesty when seeking time off work to attend court and not reporting his arrest and conviction in a timely manner would be of concern to the ordinary intelligent citizen."

I have also placed considerable weight on the finding that "The panel decided that the public interest considerations outweighed the interests of Mr Loader. Mr Loader's personal health and family circumstances were indeed stressful at the time but this did not excuse his behaviour. The severity of his criminal offence and the fact he chose to provide a false reason for needing time off school 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."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Loader 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, 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 a 2 year review period.

I have considered the panel's comments "The panel decided that its findings indicated a situation in which a review period would be appropriate as Mr Loader needed more time to demonstrate that he has learnt from his poor choices and therefore, such conduct would not be repeated in the future, even if his family circumstances were to be stressful. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 2 years. The panel considered that this was a sufficient review period on the basis that Mr Loader clearly was a good teacher and had more to offer the teaching profession."

In this case I agree with the panel and have decided that a two year review period is proportionate and in the public interest in order to maintain public confidence in the profession.

**This means that Mr Orry Loader is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 3 March 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Loader remains prohibited from teaching indefinitely.

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

Mr Loader 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 'SABuxcey', with a stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 27 February 2023**

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