



Teaching  
Regulation  
Agency

# **Mr Lloyd Ellis: Professional conduct panel hearing outcome**

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

**August 2024**

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

<b>Teacher:</b>	Mr Lloyd Ellis
<b>Teacher ref number:</b>	1877551
<b>Teacher date of birth:</b>	30 December 1993
<b>TRA reference:</b>	22548
<b>Date of determination:</b>	23 August 2024
<b>Former employer:</b>	Abbotsholme School, Staffordshire

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 23 August 2024 by way of a virtual hearing, to consider the case of Mr Lloyd Ellis.

The panel members were (Mr Nicholas Catterall lay panellist – in the chair), Mr Ronan Tyrer (lay panellist) and Miss Nikki Heron (teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Natalia Constantine of Kingsley Napley LLP solicitors.

Mr Ellis was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 31 May 2024.

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

1. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust, on 8 May 2021, contrary to the Sexual Offences Act 2003, s16(1)(e)(i); and
2. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust, between 8 May 2021 and 25 August 2021, contrary to the Sexual Offences Act 2003, s16(1)(e)(i).

Mr Ellis provided no admission of fact.

## Preliminary applications

### Application to proceed in the absence of the teacher

Mr Ellis was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Ellis.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Ellis in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures') which was in the relevant period and was sent on 31 May 2024.

The panel concluded that Mr Ellis' absence was voluntary and that he was aware that the matter would proceed in his absence. In particular, the panel noted an email from Mr Ellis dated 23 February 2023<sup>4</sup>, in response to an email from the presenting officer's firm, in which Mr Ellis confirmed he did not want anything to do with teaching or the TRA.

The panel noted that Mr Ellis had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Ellis was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Ellis was neither present nor represented.

## Summary of evidence

### Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6
- Section 2: Notice of hearing and response – pages 7 to 14
- Section 3: TRA documents – pages 15 to 202

In addition, the panel considered the bundle of documents relevant to the application to proceed in the absence of Mr Ellis.

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

### Witnesses

No witnesses were called to provide oral evidence at the hearing.

## 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 Ellis was employed as an outdoor education teacher at Abbotsholme School ('the School') from September 2018.

Between May 2021 and August 2021, Mr Ellis was alleged to have had sexual intercourse with Pupil A, who was [REDACTED].

On 25 August 2021, Pupil A disclosed her sexual relationship with Mr Ellis to [REDACTED]. Pupil A's [REDACTED] informed the headmaster the following day.

Mr Ellis' employment ceased on 31 August 2021. He was convicted at Derby Crown Court on 8 September 2022 of 2 counts of sexual activity with a girl 13 to 17 – not s.21 premises - adult abuse of position of trust. He was later sentenced at Stafford Crown Court on 18 August 2023.

The matter was referred to the TRA on 28 September 2023.

## **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:

- 1. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust, on 8 May 2021, contrary to the Sexual Offences Act 2003, s16(1)(e)(i); and**
- 2. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust, between 8 May 2021 and 25 August 2021, contrary to the Sexual Offences Act 2003, s16(1)(e)(i).**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('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 Stafford Crown Court, which detailed that Mr Ellis had been convicted on 8 September 2022 of 2 counts of adult sexual activity with a girl aged 13-17. The panel specifically noted the certificate of conviction stated that Mr Ellis had been convicted upon his own admissions.

In respect of the allegations, Mr Ellis was sentenced at Stafford Crown Court on 18 August 2023 to 14 months' imprisonment, suspended for 2 years. In addition, he was made subject to a restraining order to last until further notice; required to participate in rehabilitation activity – maximum of 35 days; required to attend unpaid work requirement – 180 hours within 12 months; ordered to register with the police for 5 years.

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1 and 2 were proven.

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

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

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

The panel was satisfied that the conduct of Mr Ellis, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Ellis 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- 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 the individual's actions were relevant to teaching, working with children and/or working in an education setting, given that he had sexual intercourse with a pupil at the School.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ellis' behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. By virtue of his position, Mr Ellis was in a position of trust and responsibility in relation to Pupil A. He abused that position.

The panel noted that Mr Ellis' 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 concerning an offence involving sexual activity, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Ellis' ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence/these convictions were for relevant offences 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.

The panel was aware that 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, if they are in conflict.

In light of the nature of the offences for which Mr Ellis was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

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

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Ellis. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Ellis. 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 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.
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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;
- failure in the duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in part 1 of the KCSIE);
- violating of the rights of pupils;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
  - any activity that involves knowingly substantiating another person's statements where they are known to be false;
  - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
  - encouraging others to break rules;
  - lying to prevent the identification of wrongdoing.

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 Ellis' actions were not deliberate.

There was no evidence to suggest that Mr Ellis was acting under extreme duress, and, in fact, the panel found Mr Ellis' actions to be calculated and motivated.

No evidence was provided that shows Mr Ellis demonstrates exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector.

No mitigation evidence was provided by the teacher and the panel was unable to assess the extent of Mr Ellis' insight or remorse.

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 Ellis of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Ellis. The seriousness of the offences in having been convicted of sexual activity with a child 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 for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child. The panel found that Mr Ellis was responsible for 2 counts of sexual activity with a girl 13-17.

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 these behaviours were not relevant.

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 all of the allegations 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 Lloyd Ellis should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Ellis 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Ellis, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of a conviction involving sexual activity 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 a relevant conviction, 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 Ellis, 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/safeguard pupils. The panel has observed, "In light of the nature of the offences for which Mr Ellis was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns." 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 provided by the teacher and the panel was unable to assess the extent of Mr Ellis' insight or remorse." In my judgement, the lack of evidence of insight or remorse 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 also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ellis' behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. By virtue of his position, Mr Ellis was in a position of trust and responsibility in relation to Pupil A. He abused that position." I am particularly mindful of the finding of the offence of sexual activity with a child 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 a relevant conviction, 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 Ellis himself and the panel comment “No evidence was provided that shows Mr Ellis demonstrates exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector.”

A prohibition order would prevent Mr Ellis 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 “There was no evidence to suggest that Mr Ellis was acting under extreme duress, and, in fact, the panel found Mr Ellis’ actions to be calculated and motivated.”

I have also placed considerable weight on the finding of the panel that “The panel decided that the public interest considerations outweighed the interests of Mr Ellis. The seriousness of the offences in having been convicted of sexual activity with a child was a significant factor in forming that opinion.”

Mr Ellis’ behaviour ultimately led to a sentence of imprisonment, (albeit suspended), which was indicative of the seriousness of the offences committed.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ellis 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 evidence of 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 review “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a

child. The panel found that Mr Ellis was responsible for 2 counts of sexual activity with a girl 13-17.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the findings and the lack of evidence 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 Lloyd Ellis is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ellis shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Lloyd Ellis 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: 29 August 2024**

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