



Teaching  
Regulation  
Agency

# **Mr Carlos Lopez Vazquez: professional conduct panel hearing outcome**

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

**September 2024**

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

**Teacher:** Mr Carlos Lopez Vazquez

**TRA reference:** 20398

**Date of determination:** 9 September 2024

**Employer:** Kings School Winchester

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened at Cheylesmore House, 5 Quinton Road, Coventry, on 9 September 2024, CV1 2WT, to consider the case of Mr Lopez Vazquez.

The panel members were Mrs Gemma Hutchinson (teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Nigel Shock (lay panellist).

The presenting officer for the TRA was Ms Louisa Atkin (counsel). Mr Lopez Vazquez was represented by Mr Nick Kennan (counsel).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan solicitors.

## **Allegations**

The panel considered the allegations set out in the notice of hearing dated 11 August 2023. It was alleged that:

Mr Lopez Vazquez was guilty of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute in that, while employed as a teacher at Kings' School, Romsey Rd, Winchester SO22 5PN:

1. On or around 6 November 2021, you were found to be drunk in charge of a child under the age of 7 and accepted a police caution in respect of this conduct for an offence under section 2 of the Licensing Act 1902.

Mr Lopez Vazquez has been convicted of a relevant criminal offence in that:

2. On or around 25 November 2021, you were convicted of driving a motor vehicle with alcohol concentration above the prescribed limit, contrary to section 5 of the Road Traffic Act 1988.

Mr Lopez Vazquez admitted the allegations.

## **Preliminary applications**

There was an application to admit two late character references. The panel heard that there was no objection from the TRA to the admission of these documents and decided that it was fair to admit these documents.

There was an application by the teacher to hear those parts of the evidence which could identify children, or which addressed health, to be heard in private. The panel considered that there was no public interest in these issues to be dealt with in public session and decided to hold those parts of the hearing in private.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 3 to 6

Section 2: Notice of referral, response and Notice of meeting – pages 7 to 28

Section 3: Teaching Regulation Agency documents - pages 29 to 77

Section 4: Teacher documents – pages 78 to 100

As noted above, there were two additional character references. The panel members confirmed that they had read all of the documents.

## **Decision and reasons**

The panel announced its decision and reasons as follows.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Mr Lopez Vazquez is employed as Head of Faculty at King's School Winchester ("the School"). He commenced work at the School in June 2018.

On 6 November 2021, Mr Lopez Vazquez was arrested and charged with driving a motor vehicle with excess alcohol. On 7 November 2021, Mr Lopez Vazquez received a caution for being drunk in charge of a child in connection with the events on the previous day. Mr Lopez Vazquez was subsequently convicted of the offence of driving with excess alcohol following a guilty plea and received a disqualification of 29 months.

Mr Lopez Vazquez notified the School that he had been charged with an offence, and following an internal investigation he was subsequently referred to the TRA.

## **Findings of fact**

The findings of fact are as follows:

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

**You are guilty of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute in that, while employed as a teacher at Kings' School, Romsey Rd, Winchester SO22 5PN:**

- 1. On or around 6 November 2021, you were found to be drunk in charge of a child under the age of 7 and accepted a police caution in respect of this conduct for an offence under section 2 of the Licensing Act 1902.**

**You have been convicted of a relevant criminal offence in that**

- 2. On or around 25 November 2021, you were convicted of driving a motor vehicle with alcohol concentration above the prescribed limit, contrary to section 5 of the Road Traffic Act 1988.**

Mr Lopez Vazquez admitted the facts of the allegations.

The panel was presented with a Caution document and certificate of conviction from Southampton Magistrates' Court ("the Certificate"). The panel accepted the Certificate as conclusive proof of the commission of the offence. The panel found the facts of allegations 1 and 2 proved.

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

Having found allegation 1 proved the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel regarded allegation 1 to be misconduct of a serious nature. Mr Lopez Vazquez was [REDACTED]. Mr Lopez Vazquez has sought help with his [REDACTED] at that time.

Mr Lopez Vazquez consumed significant amounts of alcohol and then chose to drive in circumstances where it should have been obvious to him that doing so was both illegal and dangerous. Mr Lopez Vazquez chose to drive in circumstances where there was an obvious risk to a child in respect of whom he was in charge on 6 November 2021. Indeed, it is notable that a member of the public reported Mr Lopez Vazquez to the police as they were concerned for his safety. It follows inevitably that there was a risk to members of the public as well as himself.

The panel was satisfied that the conduct of Mr Lopez Vazquez, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Lopez Vazquez 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel did take into account the evidence before it of mitigating circumstances on the part of Mr Lopez Vazquez, including his acceptance of the Caution but was satisfied that the conduct of Mr Lopez Vazquez, was misconduct of a serious nature which fell significantly short of the standards expected of the profession, and thus amounted to unacceptable professional conduct.

The actions of Mr Lopez Vazquez involved a departure from the relevant standards and statutory frameworks.

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 took the view that the actions of Mr Lopez Vazquez, for the reasons set out above, would negatively impact the public perception of teachers. The panel therefore found that Mr Lopez Vazquez's actions constituted conduct that may bring the profession into disrepute.

Having found allegation 2 proved, the panel went on to consider whether Mr Lopez Vazquez's conviction was for a relevant offence, which he also admitted.

Whilst the panel took Mr Lopez Vazquez's admission into account, it made its own, independent determination.

The panel was satisfied that the conduct of Mr Lopez Vazquez in relation to the facts it found proved involved breaches of the Teachers' Standards.

The panel considered that by reference to Part 2, Mr Lopez Vazquez 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Further and in addition, the panel noted that, pursuant to the Advice it is likely that a conviction for any of the following would amount to a relevant offence:

- Serious driving offences particularly those involving alcohol

Over and above this, the panel determined that Mr Lopez Vazquez's actions were clearly relevant to teaching, working with children and working in an education setting. As mentioned, Mr Lopez Vazquez offence was committed whilst he was transporting a child as a passenger.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Lopez Vazquez's behaviour in committing this offence would

undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers have on pupils, parents and others in the community.

The panel did take into account the evidence before it of mitigating circumstances on the part of Mr Lopez Vazquez, including his guilty plea.

Although the panel found this evidence to be of note, it concluded that the seriousness of the offending behaviour that led to the conviction was relevant to his ongoing suitability to teach. Given the nature and circumstances of the offence in this case, 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.

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

Given the panel's findings in respect of unacceptable professional conduct, bringing the profession into disrepute and conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

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

However, weighed against these matters, the panel also considered whether there was a public interest in retaining Mr Lopez Vazquez in the profession, should he choose to remain in teaching. Mr Lopez Vazquez has an otherwise good record, and his competence had not been called into question.

There were also numerous references and testimonials, to suggest that Mr Lopez Vazquez had demonstrated high standards in his professional conduct and contributed significantly to the education sector. Mr Lopez Vazquez has returned to work at the School successfully, was also promoted to Head of Faculty and been given positions of trust and responsibility.



In light 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 Lopez Vazquez.

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 Lopez Vazquez.

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

However, there were a number of mitigating features present in this case:

- Mr Lopez Vazquez had not been subject to any previous regulatory or disciplinary proceedings.
- This was also an isolated incident and Mr Lopez Vazquez had no previous convictions.
- Mr Lopez Vazquez had fully participated in these proceedings and made full admissions.
- Mr Lopez Vazquez's actions occurred in the context of a very specific set of factual circumstances.
- Mr Lopez Vazquez had shown clear regret and remorse and has shown insight into his behaviour which significantly reduces the risk of any repetition.

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 did consider, given the mitigating factors present, that the risk of repetition was low.

In light of these matters and the other mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Having very carefully taken account of the public interest considerations present, the panel considered that the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable.

The panel considered this to be a proportionate outcome which struck a fair balance between the public interest and Mr Lopez Vazquez's interests. It did not consider that Mr Lopez Vazquez presents an ongoing risk to the public. The panel was satisfied that its decision maintains public confidence and upholds professional standards.

### **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.

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/or conduct that may bring the profession into disrepute and/or a relevant conviction.

The panel has recommended that the findings of unacceptable professional conduct, conduct likely to bring the profession into disrepute, and a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Carlos Lopez Vazquez is in breach of the

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Lopez Vazquez fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings that Mr Lopez Vazquez was drunk in charge of a child under the age of 7 and also convicted of the relevant offence of driving a motor vehicle whilst his alcohol concentration was above the prescribed limit.

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, conduct likely to bring the profession into

disrepute, and 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 Lopez Vazquez, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “Mr Lopez Vazquez consumed significant amounts of alcohol and then chose to drive in circumstances where it should have been obvious to him that doing so was both illegal and dangerous. Mr Lopez Vazquez chose to drive in circumstances where there was an obvious risk to a child in respect of whom he was in charge on 6 November 2021.” 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 has set out as follows, “Mr Lopez Vazquez had shown clear regret and remorse and has shown insight into his behaviour which significantly reduces the risk of any repetition.” I agree with the panel that the insight and remorse shown by Mr Lopez Vazquez significantly reduces the risk of repetition. 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 has observed that Mr Lopez Vazquez’s conduct of being drunk in charge of a child “would negatively impact the public perception of teachers”. It has also observed that Mr Lopez Vazquez’s behaviour in committing the driving offence “would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers have on pupils, parents and others in the community.” I am particularly mindful of the finding of being drunk in charge of 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 unacceptable professional conduct, conduct likely to bring the profession into disrepute, and 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 Lopez Vazquez himself. The panel has noted that Mr Lopez Vazquez has an otherwise good record and the panel has commented:

“There were also numerous references and testimonials, to suggest that Mr Lopez Vazquez had demonstrated high standards in his professional conduct and contributed significantly to the education sector. Mr Lopez Vazquez has returned to work at the School successfully, was also promoted to Head of Faculty and been given positions of trust and responsibility.”

A prohibition order would prevent Lopez Vazquez from continuing that work. 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 view that there was a public interest in retaining Mr Lopez Vazquez in the profession. I have also placed considerable weight on the panel’s view that the risk of repetition is low given the mitigating factors in this case. The panel has noted that this was an isolated incident and that Mr Lopez Vazquez has demonstrated both insight and remorse. The panel has concluded that he does not present an ongoing risk to the public.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 11 September 2024**

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