



Teaching
Regulation
Agency

Mr John Lees: Professional conduct panel hearing outcome

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

March 2025

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

Teacher: Mr John Lees

TRA reference: 22111

Date of determination: 19 March 2025

Former employer: Brookfield Community School, Chesterfield

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 March 2025 by way of a virtual hearing, to consider the case of Mr John Lees.

The panel members were Mr Peter Ward (lay panellist – in the chair), Mrs Bernie Whittle (teacher panellist) and Mrs Christine McLintock (teacher panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP Solicitors.

The presenting officer for the TRA was Mr David Collins of Capsticks Solicitors LLP.

Mr John Lees was present and was represented by Mr Jonathan Bacon of NASUWT.

The hearing took place in public save that portions of the hearing were heard in private and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 11 November 2024.

It was alleged that Mr John Lees was guilty of having been convicted, at any time, of the following relevant offence:

1. On 6 February 2023, at Chesterfield Magistrates' Court you were convicted of one offence of driving a vehicle on 16 January 2023 when your alcohol level was over the prescribed limit, contrary to s.5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Lees admitted the allegation. He further admitted that the allegation amounted to a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications

Summary of evidence

Documents

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

Section 1: Chronology and List of Key People – pages 3 to 4

Section 2: Notice of hearing and response – pages 5 to 27

Section 3: Teaching Regulation Agency documents – pages 28 to 63

Section 4: Teacher documents – pages 64 to 78

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the "Procedures").

Witnesses

The presenting officer called no witnesses.

Mr Lees 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 Lees was a science teacher at Brookfield Community School (the “School”). On 16 January 2023, before driving to work that morning, he drank half a bottle of wine. On his way to work, his car collided with a tree and he was breathalysed by the police. He was again breathalysed at the police station and recorded 61 micrograms of alcohol in 100 ml of breath. The prescribed limit being 35 micrograms. Mr Lees was found to be over the drink drive limit. He attended Chesterfield Magistrates’ Court on 6 February 2023 on the charge of ‘drive motor vehicle when alcohol level above limit’. Mr Lees pleaded guilty and was convicted. Mr Lees was fined and disqualified from driving. Mr Lees resigned from the School in April 2023.

Findings of fact

The findings of fact are as follows:

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

- 1. On 6 February 2023, at Chesterfield Magistrates’ Court you were convicted of one offence of driving a vehicle on 16 January 2023 when your alcohol level was over the prescribed limit, contrary to s.5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.**

Mr Lees admitted this allegation.

The panel heard evidence that on 16 January 2023, early in the morning, Mr Lees drank half a bottle of wine. On his way to work he crashed his car into a tree. The police arrived and Mr Lees was breathalysed. He was found to be over the drink drive limit.

The Court Extract states that the offence Mr Lees was convicted of was “Drive motor vehicle when alcohol level above limit”. The Court Extract states that this offence is contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988. The panel accepted the Court Extract as conclusive proof of the conviction and the facts necessarily implied by the conviction.

Mr Lees was sentenced to a disqualification from driving for 17 months and a fine.

Mr Lees pleaded guilty to the offence.

The panel found this allegation proven.

Findings as to conviction of a relevant offence

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

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 first considered whether the conduct of Mr Lees, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2 of the Teachers’ Standards, Mr Lees 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
 - not undermining fundamental British values, including the rule of law
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual’s actions were not relevant to teaching, working with children and/or working in an education setting. This is because although the offence was committed on his way to work, the offence did not take place within the school setting nor during school hours.

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

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

The panel noted that Mr Lees’ behaviour did not lead to a sentence of imprisonment.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning a serious driving offence, involving alcohol, which the Advice states is likely to be considered a relevant offence.

The panel noted that the police attended due to Mr Lees having crashed his car into a tree. The panel heard that Mr Lees was nearly twice the legal limit for the level of alcohol

in his system when the police administered a breathalyser. The panel heard in evidence that Mr Lees was on his way to the School to start a school day. The panel concluded that Mr Lees was driving in a situation that was dangerous to himself and the public.

The panel took into account the reasons regarding the circumstances of the conviction provided by Mr Lees to the panel. This included being under stress from work and Mr Lees' relationship with alcohol. The panel heard that Mr Lees attempted to keep his difficulties at work to himself and from his family. To manage the stress, Mr Lees said that he was "self-medicating with alcohol".

The panel considered the mitigating circumstances that Mr Lees provided, namely he was open and frank with the police at the time of the incident and fully cooperated. Mr Lees also pleaded guilty at the first opportunity.

The panel heard that Mr Lees was a teacher at the School for just short of 20 years. The panel has not been provided with any evidence of Mr Lees' teaching proficiency within the School.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Lees' 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 considered that a finding that this conviction was for a relevant offence and therefore found the allegation proved.

Panel's recommendation to the Secretary of State

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils;
- the protection of other members of the public; and

- the maintenance of public confidence in the profession.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lees 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 Lees was outside that which could reasonably be tolerated.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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 Lees.

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; and
- actions or behaviours that undermine fundamental British values of democracy, the rule of law.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's findings, there was evidence that Mr Lees' actions were deliberate.

There was no evidence to suggest that Mr Lees was acting under extreme duress, e.g. a physical threat or significant intimidation

The panel understands that Mr Lees did have a previously good history within teaching profession, having taught at the School for just short of 20 years.

The panel considered the good character evidence provided within the bundle. Mr Lees is currently employed by [REDACTED] school, which has provided three references for Mr Lees, two from [REDACTED] and one from [REDACTED].

[REDACTED] stated in her letter dated 11 June 2024:

“John has been an integral part of our teaching staff throughout this period. There have been no concerns about his teaching performance, and due to his excellent work, we offered him a permanent contract in Spring 2024.”

“I am pleased to report that throughout this academic year, we have had no concerns about John's performance as a teacher. He has demonstrated professional conduct at all times and I have had no reason to suspect that he has been under the influence of alcohol or that there would be any cause for concern.

John has worked well within his department and maintained a positive working relationship with his line manager. He has shown dedication to his role and has effectively contributed to the school's objectives and student learning outcomes. In the future we are more than happy to provide any support and supervision necessary to ensure John continues to act appropriately.

Additionally, John has expressed genuine remorse to me about his past situation, which further demonstrates his commitment to personal and professional growth.”

[REDACTED] stated in her letter dated 10 February 2025:

“Since joining [REDACTED] on a temporary basis, John has demonstrated a high level of professionalism, commitment, and expertise on our observations and experience with his teaching, we made the decision to appoint him to a full-time position. Throughout his tenure, there have been no complaints regarding his performance, and he has conducted himself as a consummate professional in all aspects of his work.”

[REDACTED] stated in their letter dated 11 June 2024:

“John has proved to be an excellent addition to our Trust. There have been no concerns about his professional standards or teaching performance, I have observed this personally during my visits to the [REDACTED].”

“I am pleased to report that throughout this academic year, there have been no concerns about John's performance as a teacher. He has demonstrated good professional conduct at all times, I have had no reason to suspect that he has been under the influence of alcohol or that there would be any cause for concern.

John has shown dedication to his role including demonstrating positive relationships with his line manager, staff, students and parents, he has shown

clear evidence of contributing to the [REDACTED] success and student learning outcomes.”

The panel considered the comments from [REDACTED] and [REDACTED] in its decision.

Mr Lees described the subsequent support he received to develop strategies to help him cope with challenges in his professional life, including his work/life balance. [REDACTED].

The panel heard that Mr Lees was apologetic for his actions, and that he has used the time between the incident to date to reflect on his actions. This has resulted in him recognising the triggers in his life which led to the decisions resulting in his conviction as well as his misuse and ongoing relationship with alcohol.

Had Mr Lees made it into the School on the day of the incident, he would have been under the influence of alcohol. Mr Lees commented that as a parent he would not be comfortable if his children were being taught by someone who taught whilst under the influence of alcohol. The panel felt that this admission demonstrated insight.

The panel was satisfied that the incident was a one off event.

The panel was satisfied he had now adopted support strategies that would reduce the risk of repetition. The three references provided by Mr Lees' current employer demonstrate his openness about the conviction and the underlying stresses which triggered his behaviour.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the 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.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the allegation proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that the findings of 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 Lees 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - not undermining fundamental British values, including the rule of law
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are serious as they include a teacher being convicted of driving while his alcohol level was over the prescribed limit.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Lees, 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. While the panel notes that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of members of the public, it does not state that Mr Lees posed a direct risk to the wellbeing of pupils.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows:

"The panel heard that Mr Lees was apologetic for his actions, and that he has used the time between the incident to date to reflect on his actions. This has resulted in him recognising the triggers in his life which led to the decisions resulting in his conviction as well as his misuse and ongoing relationship with alcohol.

Had Mr Lees made it into the School on the day of the incident, he would have been under the influence of alcohol. Mr Lees commented that as a parent he would not be comfortable if his children were being taught by someone who taught whilst under the influence of alcohol. The panel felt that this admission demonstrated insight.

The panel was satisfied that the incident was a one off event."

In my judgement, the evidence found by the panel that Mr Lees has developed significant insight into and remorse for his behaviour means that there is a limited risk of repetition. I have therefore given this element significant 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 records the following:

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

I am particularly mindful of the finding in this case of a teacher consuming half a bottle of wine before attempting to drive to school and the damaging impact that such a finding may have 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 Lees himself. The panel states that prior to these events he had a good teaching history. It also notes that he is currently teaching at a different school and records having had access to positive testimonials describing the contribution he is making and his good conduct.

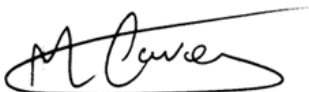
A prohibition order would prevent Mr Lees from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

I have considered the panel's concluding remarks:

“The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.”

In this case, I have placed considerable weight on the panel's comments concerning the extensive insight and remorse demonstrated by Mr Lees, which indicates that a repetition is unlikely. I have also noted his good history and the contribution he is currently making to the sector.

For these reasons, I agree with the panel 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 'M. Cavey', enclosed within a simple black oval border.

Decision maker: Marc Cavey

Date: 24 March 2025

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