



Teaching
Regulation
Agency

Mr Nicky Humphreys: Professional conduct panel outcome

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

May 2025

Contents

Introduction	3
Allegations	3
Summary of evidence	4
Documents	4
Witnesses	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	17
Decision and reasons on behalf of the Secretary of State	21

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

Teacher: Mr Nicky Humphreys

TRA reference: 21165

Date of determination: 16 May 2025

Former employer: Ormiston Park Academy, Essex

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 27 January 2025 to 31 January 2025, and reconvened on 14 May to 16 May 2025 by way of a virtual hearing, to consider the case of Mr Nicky Humphreys.

The panel members were Ms Jasmin Choudhury (teacher panellist – in the chair), Ms Antonia Jackson (former teacher panellist) and Mr Paul Millett (lay panellist).

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

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr Humphreys was 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 24 October 2024.

He was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher in the ASCEND unit at Ormiston Park Academy:

1. He consumed alcohol and/or smelled of alcohol during working hours and/or whilst on the school site, on one or more of the following dates:
 - a. 6 May 2022; and/or
 - b. 16 May 2022; and/or
 - c. 24 May 2022; and/or

- d. 17 June 2022.
2. On 6 May 2022, he drove the school minibus with pupils on board, having consumed alcohol and/or whilst smelling of alcohol.
 3. On one or more days in May and/or June 2022, he left the school site without permission and/or he left students without appropriate or suitable supervision during the school day.

It was also alleged that he had been convicted of a relevant offence, namely:

1. On 26 July 2022, he was convicted of driving on 17 June 2022, after consuming so much alcohol that the proportion of it in your breath exceeded the prescribed limit, contrary to s.5(1)(a) of the Road Traffic Act 1988.

There was a partial admission of fact on the part of Mr Humphreys as set out in respect of each allegation.

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 4 to 6
- Section 2: Notice of hearing and response – pages 7 to 20
- Section 3: Witness statements – pages 21 to 48
- Section 4: TRA documents – pages 49 to 298
- Section 5: Teacher documents – page 299

In addition, the panel agreed to accept the following into evidence:

- A three-page late papers bundle including an email from Individual A to Mr Humphreys regarding his attendance at [REDACTED] – pages 300 to 302.
- A 10-page document: Mr Humphreys' completed Notice of Referral Form, detailed response to the allegations, and correspondence between Mr Humphreys and the TRA – pages 303 to 312.
- An email exchange between Mr Humphreys and Witness D regarding his resignation – pages 313 to 315.

- The presenting officer's written submissions – pages 316 to 325.

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

Witnesses

The panel heard oral evidence from the following witnesses from Ormiston Park Academy ('the School') at the time called by the TRA:

- Witness A [REDACTED]
- Witness B [REDACTED]
- Witness C [REDACTED]
- Witness D [REDACTED]
- Witness E [REDACTED]

The panel heard oral evidence from Mr Humphreys and Individual A, on behalf of Mr Humphreys.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

On 19 April 2022, Mr Humphreys commenced employment at the School as a teacher of ASCEND PE with humanities.

On 6 May 2022, Mr Humphreys was transporting pupils on the School minibus on a School trip. It was reported by teaching staff on the School trip that he smelled of alcohol whilst he was driving. Throughout his time at the School, several members of staff reported Mr Humphreys smelling of alcohol on other occasions in school time. Concerns were raised regarding Mr Humphreys smelling of alcohol on 16 May 2022 and 24 May 2022.

On 17 June 2022, the police were notified by the School that Mr Humphreys was likely to be driving under the influence of alcohol. He was stopped by the police on that day, whilst driving his car and was found to be over the legal alcohol limit. Mr Humphreys was subsequently arrested, and charged with driving under the influence of alcohol.

On 20 June 2022, Mr Humphreys was suspended by the School.

On 26 July 2022, Mr Humphreys appeared in court and was convicted of driving a motor vehicle after consuming so much alcohol that the proportion of it in his breath exceeded the prescribed limit.

On 21 September 2022, Mr Humphreys resigned from his position at the School.

On 14 October 2022, the DBS referred the matter to the TRA.

Findings of fact

The findings of fact for each of the allegations are as follows:

Allegation

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher in the ASCEND unit at Ormiston Park Academy:

- 1. You consumed alcohol and/or smelled of alcohol during working hours and/or whilst on the school site, on one or more of the following dates:**

- a. 6 May 2022; and/or**

On 6 May 2022, Mr Humphreys drove the School minibus on four occasions, during working hours. On two of those occasions, Mr Humphreys was carrying pupils and staff. Mr Humphreys admitted to smelling of alcohol whilst driving the minibus, but denied having consumed alcohol during working hours. To this extent, Mr Humphreys admitted that this amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered the oral evidence of Witness A, who recalled Witness B raising with her that Mr Humphreys smelled of alcohol during working hours, and also when driving the School minibus on a school trip. Although it was noted that in her live evidence, Witness A could not recall the nature of the particular school excursion on this day, or the timings of the trip.

The panel considered Witness B written statement regarding the school trip, which he organised and attended with Mr Humphreys on 6 May 2022, and for which Mr Humphreys was one of the allocated minibus drivers.

The panel noted that Witness B recalled noticing the “smell of alcohol on his breath” on 6 May 2022. The panel considered the oral evidence of Witness B, who stated that he made a note of what had happened, as he understood the serious nature of it, and provided a statement later to the School and Witness B, based on the notes that he made on that day.

The panel noted that Mr Humphreys consistently denied consuming alcohol on the School site or during working hours. The panel found Mr Humphreys candid and open in his oral evidence.

The panel also noted that, in Individual A's oral evidence, she felt confident that Mr Humphreys would provide very honest answers, in the face of very difficult questions, even if this was to his detriment.

The panel also noted that Mr Humphreys was very transparent about having been under the influence of alcohol, during the school day and on the School site. It was observed in the hearing, that he adamantly denied having consumed alcohol during the school day and/or on the School site.

The panel noted that Mr Humphreys was honest about how, during this time, he would drink between four and five cans of beer before the school day began (but not after 8:00 am) and again after the school day finished.

Throughout the hearing, the panel noted that Mr Humphreys was consistent in his denial of drinking during school hours and/or on the School premises. Mr Humphreys accepted that he was therefore under the influence of alcohol on 6 May 2022, and would therefore have smelled of alcohol.

The panel considered Mr Humphreys' and Individual A's live evidence which was consistent and noted that it was possible for him to still smell of alcohol - on the afternoon of 6 May 2022, without consuming it during working hours. Furthermore, the panel noted that both Mr Humphreys and Individual A commented that individuals are different in terms of how they process alcohol in their systems.

The panel observed that there was no evidence that Mr Humphreys had consumed alcohol on the School site, and noted that Witness B had not seen him drinking any alcohol on the day. The panel did not therefore draw an inference from Mr Humphreys' part admission in this allegation, to mean that he had consumed the alcohol on the School premises.

Nevertheless, the panel thought it was more likely than not that Mr Humphreys had smelled of alcohol during working hours and/or on the School site on 6 May 2022.

In respect of allegation 1(a) the panel found that Mr Humphreys smelled of alcohol during working hours. The panel did not find proven that he consumed alcohol during working hours nor on the School site on 6 May 2022.

b. 16 May 2022; and/or

Mr Humphreys admitted to smelling of alcohol during working hours and/or whilst on the School site on 16 May 2022. However, he denied having consumed alcohol during

working hours or whilst on the School site. To this extent, Mr Humphreys admitted that this amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered the oral evidence and written statement of Witness C, who stated that on the 16 May 2022, Mr Humphreys emailed her asking to discuss the curriculum. She stated that Mr Humphreys did not turn up as planned, but their paths crossed around 20 minutes later. Witness C stated that within 5 to 10 minutes of arriving, Mr Humphreys kept putting pieces of chewing gum in his mouth, and she noticed him do this around 2 to 3 times. Witness C stated that it was at this point, that she first noticed the smell of alcohol. She stated that it also seemed that Mr Humphreys did not have “*a solid train of thought*.”

The panel considered Mr Humphreys’ oral evidence, which was that he used to “*brush [his] teeth every morning to cover the smell and chew Airways chewing gum to mask the smell of alcohol*.” The panel noted that Mr Humphreys confirmed that he would brush his teeth in his car and would often chew gum. The panel also noted that this evidence was confirmed by Individual C and Witness E.

The panel noted in Witness D written and oral evidence, that he stated that Witness C had flagged to him that she could smell alcohol on Mr Humphreys, during a meeting with him on 16 May 2022. The panel also noted that Mr Humphreys had shared with Witness D that he had been at [REDACTED] the evening before the meeting, and had consumed alcohol there.

The panel noted Mr Humphreys’ consistent denial throughout the hearing of consuming alcohol on the School site and/or during working hours. The panel took into consideration Mr Humphreys’ candid and open evidence in the hearing. In Individual A’s oral evidence she was of the view that Mr Humphreys will have provided honest answers for the purposes of this hearing. The panel concluded after hearing Mr Humphreys’ and Individual A’s evidence, that it would be possible for him to smell of alcohol for a prolonged period of time during school hours.

Mr Humphreys admitted that he was under the influence of alcohol on 16 May 2022 and did smell of alcohol in School on that day.

The panel noted that there was no evidence that Mr Humphreys had consumed alcohol on the School site or during school hours. The panel did not therefore draw an inference from Mr Humphreys’ part admission in this allegation, to this meaning that he had consumed the alcohol on the School premises or during school hours.

Nevertheless, the panel did find that Mr Humphreys had smelled of alcohol during working hours and/or on the School site on 16 May 2022.

In respect of allegation 1(b) the panel found that Mr Humphreys smelled of alcohol during working hours. The panel did not find proven that he consumed alcohol during working hours nor on the School site on 16 May 2022.

c. 24 May 2022; and/or

Mr Humphreys admitted to smelling of alcohol during working hours and/or whilst on the School site on 24 May 2022. However, he denied consuming alcohol during working hours or whilst on the School site. To this extent, Mr Humphreys admitted that this amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered Witness E's written and oral evidence where she stated that, on 24 May 2022, she noticed that Mr Humphreys had "*a very red face*" and smelled of "*alcohol on his breath*" which she thought "*smelt like spirits*". Witness E's verbally reported her concerns to Individual D, ([REDACTED]), the same day following which Witness E's was asked to formally record her concerns.

The panel noted Mr Humphreys' consistent denial throughout the hearing of consuming alcohol on the School site and/or during working hours. The panel took into consideration Mr Humphreys' candid and open evidence in the hearing. In Individual A's oral evidence she was of the view that Mr Humphreys will have provided honest answers for the purposes of this hearing. The panel concluded after hearing Mr Humphreys' and Individual A's evidence, that it would be possible for him to smell of alcohol for a prolonged time, during school hours.

Mr Humphreys accepted that he was under the influence of alcohol on 24 May 2022 and would therefore have smelled of alcohol.

The panel noted that there was no evidence that Mr Humphreys had consumed alcohol on the School site or during school hours. The panel did not therefore draw an inference from Mr Humphreys' part admission in this allegation, to mean that he had consumed alcohol on the School premises and/or during school hours.

The panel did find that Mr Humphreys had smelled of alcohol during working hours and/or on the school site on 24 May 2022.

In respect of allegation 1(c) the panel found that Mr Humphreys smelled of alcohol during working hours. The panel did not find proven that he consumed alcohol during working hours nor on the school site on 24 May 2022.

d. 17 June 2022

Mr Humphreys admitted to smelling of alcohol during working hours and/or whilst on the school site on 17 June 2022. However, he denied consuming alcohol during working

hours and/or whilst on the school site. To this extent, Mr Humphreys admitted that this amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

It was Mr Humphreys' evidence that Witness A and Individual C met with Mr Humphreys on Friday 22 June 2022 *"when questioned in relation to this Mr Humphreys said he had drunk 6/7 pints the night before. I explained that 2-3 staff members that day had reported concerns about alcohol on [Mr Humphreys'] breath."* This evidence was confirmed by Witness A in paragraphs 23 and 24 of her written statement.

The panel noted Mr Humphreys' consistent denial throughout the hearing of consuming alcohol on the school site and/or during working hours. The panel took into consideration Mr Humphreys' candid and open evidence in the hearing. In Individual A's oral evidence she was of the view that Mr Humphreys will have provided honest answers for the purposes of this hearing. The panel concluded after hearing Mr Humphreys' and Individual A's evidence, that it would be possible for him to smell of alcohol for a prolonged period of time during school hours.

Mr Humphreys accepted that he was under the influence of alcohol on 17 June 2022 and would therefore have smelled of alcohol.

The panel noted that there was no evidence that Mr Humphreys had consumed alcohol on the School site or during school hours. The panel did not therefore draw an inference from Mr Humphreys part admission, in this allegation to mean that he had consumed alcohol on the School premises and/or during school hours.

In respect of allegation 1(d) the panel found that Mr Humphreys smelled of alcohol during working hours. The panel did not find proven that he consumed alcohol during working hours nor on the School site on 17 June 2022.

2. On 6 May 2022, you drove the school minibus with pupils on board, having consumed alcohol and/or whilst smelling of alcohol.

Mr Humphreys admitted this allegation.

The panel considered the oral evidence and written statement of Witness D, who stated that, on 6 May 2022, Mr Humphreys was driving the School minibus on a school trip to the [REDACTED]. He stated that Witness B had verbally reported on 6 May 2022 to several staff and then emailed Witness D, on 10 May 2022, to confirm that he and Individual E had smelled alcohol on Mr Humphreys' breath during the trip.

The panel considered the oral evidence and written statement of Witness B, who stated that he organised a history trip, and Mr Humphreys was one of the allocated minibus drivers. He stated that Mr Humphreys transported the children in two groups.

Witness B stated that he was supervising the first group of students and was sat behind Mr Humphreys on the way to [REDACTED]. In oral evidence he shared that, at this point, he did not smell alcohol on Mr Humphreys' breath. At lunchtime, he spoke to Individual E, who mentioned that Mr Humphreys had been missing for a significant period of time. Witness B stated that Mr Humphreys then returned to the group, and he *"immediately noticed the smell of alcohol on his [Mr Humphreys'] breath"*.

In oral evidence, Witness B said that he asked to speak to Individual E away from the group, and that she told him that she knew what he was going to ask her. She shared that she had also noticed the smell of alcohol on Mr Humphreys.

In Witness B's evidence he stated that he was again sat next to Mr Humphreys on the school trip, whilst he drove the minibus back to the School. He stated that he could smell alcohol on Mr Humphreys' breath. On arrival back to School, Witness B verbally reported that he smelled alcohol on Mr Humphreys' breath during the day, and when returning to School in the minibus to Witness D, Individual D and Witness A.

The panel noted that Mr Humphreys admitted to having driven ASCEND pupils on two separate trips while under the influence of alcohol.

The panel considered that, although it could not say conclusively when Mr Humphreys had consumed alcohol, it was more likely than not that Mr Humphreys had consumed alcohol at some point in order to have smelled of alcohol while driving the minibus.

The panel found that Mr Humphreys had driven the School minibus with pupils on board, having consumed alcohol and/or whilst smelling of alcohol.

The panel found allegation 2 proven.

3. On one or more days in May and/or June 2022, you left the school site without permission and/or you left students without appropriate or suitable supervision during the school day.

Mr Humphreys denied this allegation.

The panel had before it, emails from Witness A to Mr Humphreys, dated 26 April 2022 (two emails), making it clear to Mr Humphreys that he should *"refrain from leaving the School site"*.

The panel noted that in the emails, dated 26 April 2022, Witness A stated *"You were seen leaving site today during non-contact time in your car today, you should not be leaving site during school at all and the ASCEND team should always be aware of your location in case of an emergency. Staff are raising concerns about the lack of presence from yourself."* Mr Humphreys responded *"I did pop out today to pick up some ear drops [REDACTED]"*

Although the panel noted that these emails were in April 2022, (when Mr Humphreys was a new teacher at the School), and the relevant time period in the allegation was May/June 2022, the panel considered that this communication between Mr Humphreys and Witness A, demonstrated that it was not acceptable for Mr Humphreys to leave the School, during the school day without authorisation.

On 17 May 2022, Mr Humphreys received an email from Witness A stating *“I would like to reiterate via email our earlier conversation so you are clear, I asked you not to leave site during the school day again today, it is not the first time we have had this discussion. You should refrain from leaving site whether it is during your non-contact time or during a school break. Staff should take breaks on site...you left again today without telling anyone in the team where you were going.”*

The panel noted that on 10 June 2022, Mr Humphreys received a management instruction letter related to two unauthorised leave of absences. After careful consideration, the panel considered that this was not within the scope of this allegation, as it was regarding unauthorised absences, and not about Mr Humphreys leaving the School site.

On 14 June 2022, Witness A sent a further email to Mr Humphreys which stated *“to reiterate our earlier conversation I believe Witness D and Individual F made it very clear that you must not leave site or sit in your car during the school day.”*

The panel accepted that these emails demonstrated that Mr Humphreys left the School site, without permission in May/June 2022.

The panel’s reading of that part of the allegation that states that he left students without appropriate and suitable supervision during the school day, refers to the times when he left the School site, without permission.

The panel did not read the allegation to include times, for example, when Mr Humphreys was in his car, which it considered still to be remaining on the School site.

The panel considered the oral evidence and written statement of Witness A, who stated that she noticed that Mr Humphreys was frequently absent from ASCEND during the day, and that Witness E and Individual C had seen Mr Humphreys going offsite at lunchtime, during planning, preparation and assessment time. Witness A stated that when Mr Humphreys was offsite, students were often left without appropriate supervision.

Throughout the hearing, Mr Humphreys consistently denied that in leaving the School site, he left school students without appropriate or suitable supervision.

The panel felt that there was conflicting evidence between Mr Humphreys and the witnesses. Mr Humphreys was adamant that he would never leave students unattended,

and he did not do so, when he went offsite without permission. The panel found Mr Humphreys to be a credible witness.

The panel therefore decided that the limb of allegation 3 regarding the supervision of students was not proved to the requisite standard or that there was direct sufficient evidence to show that he did this.

Mr Humphreys maintains that he did not leave the School grounds during designated teaching times or duty cover times. Mr Humphreys stated that *“Whenever I wasn’t teaching I was away from the class. You didn’t have to be based in ASCEND...there was no way that I would leave children for 20 to 25 minutes....”* The panel did not find proven the allegation that he left students without appropriate or suitable supervision.

The panel found allegation 3 part proven, in relation to Mr Humphreys leaving the School site without permission, but not proven that when he did so, he left students without appropriate or suitable supervision.

You have been convicted of a relevant offence, namely:

- 1. On 26 July 2022, you were convicted of driving on 17 June 2022, after consuming so much alcohol that the proportion of it in your breath exceeded the prescribed limit, contrary to s.5(1)(a) of the Road Traffic Act 1988.**

Mr Humphreys admitted this allegation.

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 memorandum of conviction from Chelmsford Magistrates Court, dated 26 July 2022. This detailed that Mr Humphreys had pleaded guilty and was convicted of driving a motor vehicle, after consuming so much alcohol (just over two times the legal limit) that the proportion of it in his breath exceeded the prescribed limit.

In respect of the conviction, Mr Humphreys was disqualified from holding or obtaining a driving licence for 18 months; fined £787; ordered to pay a surcharge to fund victim services of £315; ordered to pay costs of £105 to the Crown Prosecution Service and a collection order made.

The panel also noted Mr Humphreys' admission during the hearing to have stopped at a shop, to buy and consume alcohol, when driving on the way home from School, and on the way to pick up [REDACTED]. The panel noted that this was on a day where he was offered alternatives to driving his car from School by the headteacher, who took the view that Mr Humphreys was drunk before getting into his car. The panel noted that Mr Humphreys admitted that he was warned by the headteacher that he would call the police at the time. Despite this, Mr Humphreys drove away from School under the influence of alcohol in his car. The headteacher did call the police and Mr Humphreys was subsequently stopped and arrested.

On examination of the documents before the panel and the admissions in the signed statement of facts, the panel was satisfied that allegation 1 was proven.

Having found allegation 1 proven, the panel had to consider whether Mr Humphreys' conviction amounted to a relevant offence. The Advice defines a relevant offence to be a conviction of an offence that is relevant to a person's fitness to be a teacher. The panel is satisfied that the conviction amounts to a relevant offence within the definition, not least because he drove away from School, after being told by the headteacher that he should not do so. The panel found the relevant offence allegation 1 proven.

The panel found allegations 1(a), (b), (c) and (d), 2 and 1 proven and allegation 3 part proven.

Findings as to unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence

Having found allegations 1(a), (b), (c) and (d), 2 and allegation 3 part proven, 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 and/or conviction of a relevant offence.

In considering the facts of those proved allegations amounted to unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence, the panel had regard to the Advice.

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

Unacceptable professional conduct and/or conduct that may bring the profession into disrepute

The panel was satisfied that the conduct of Mr Humphreys fell significantly short of the standards expected of the profession in respect of allegations 1 and 2.

The panel noted that Mr Humphreys admitted that the allegations amounted to unacceptable professional conduct, because his actions had placed children, staff and members of the public at risk. Mr Humphreys had also admitted that his actions were unprofessional and unacceptable.

The panel also considered whether Mr Humphrey's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

This was a case involving the following offences that the Advice states are likely to be considered a relevant offence. The panel found that the offence of serious driving offences, particularly those involving alcohol or drugs / serious offences involving alcohol was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Mr Humphreys was guilty of unacceptable professional conduct in respect of allegations 1 and 2.

In respect of the part proven allegation 3 (having not found that Mr Humphreys left *"students without appropriate or suitable supervision"*), the panel considered the evidence regarding the rules around staff members leaving the School site during the school day to be inconsistent. The panel noted from oral witness evidence from teaching staff during the hearing, that there was a lack of consistency regarding the policies, procedures and practices about leaving the School site around this at the time.

The panel was satisfied that, whilst the instructions to Mr Humphreys not to leave the School were clear, it did not consider the fact that it amounted to misconduct of a serious nature, falling significantly short of the standard expected of a teacher. This was because it was not proven that Mr Humphreys' actions in leaving the School site, had a detrimental effect on the safeguarding and/or learning of children at the School.

Conduct that may bring the profession into disrepute

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 findings of misconduct are serious, and the conduct displayed in allegations 1 and 2 would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel noted that Mr Humphreys admitted that his actions relating to allegations 1 and 2, were serious and amounted to conduct which could bring the teaching profession into disrepute, because it would be likely to result in a serious loss of public confidence, and a departure from the standards expected of a teacher. The panel noted that Mr Humphreys acknowledged the very serious consequences of the allegations if found proven at allegation 1 and 2.

In considering the public's perception of Mr Humphreys' actions, the panel noted Mr Humphreys' own oral evidence, which was that he, [REDACTED], would expect appropriate action to be taken, in order to restore public confidence in the profession.

The panel therefore concluded that Mr Humphreys' actions found proven in respect of allegations 1 and 2 constituted conduct that may bring the profession into disrepute.

Having found allegation 3 part proven to not amount to unacceptable professional conduct, the panel also decided, for the same reasons, that the part of the allegation found proven did not amount to conduct that may bring the profession into disrepute.

The panel did find the facts of allegations 1(a), (b), (c) and (d) and 2 proven and that Mr Humphreys' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel found that part of allegation 3 was proven but, after careful consideration, this did not amount to unacceptable professional conduct or to conduct that may bring the profession into disrepute.

Conviction of a relevant offence

The panel was satisfied that the conduct of Mr Humphreys fell significantly short of the standards expected of the profession.

The panel noted that the individual's actions were relevant to teaching, working with children and/or working in an education setting as Mr Humphreys had received a drink driving conviction and was responsible for driving the School minibus at the time.

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 Humphreys' behaviour in committing the offence 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.

The panel noted that Mr Humphreys' 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 involving serious driving offences, particularly those involving alcohol or drugs/ serious offences involving alcohol, which the Advice states is more likely to be considered a relevant offence.

The panel found that the offending behaviour that led to the conviction was relevant to Mr Humphreys' ongoing suitability to teach. The panel considered that a finding that 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 unacceptable professional conduct, conduct that may bring the profession into disrepute and 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 panel's findings against Mr Humphreys, which involved attending School and driving the School minibus and being convicted of driving a car, under the influence of alcohol, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

The panel gave serious consideration to the oral evidence provided by Mr Humphreys with regards to his passion for teaching, in particular the passion shown for his subject area. The panel also noted that Mr Humphreys had provided oral evidence of his students' sporting achievements, the relationships he developed as a teacher, and community connections which he built when he was teaching.

The panel also noted that Mr Humphreys shared in oral evidence that he taught vulnerable and complex pupils in inner city schools with great success. This is an area of education which requires resilience, determination and dedication. In the experience of the panel, teaching such students requires a specific skillset that not all teachers can demonstrate.

Various educators who worked with Mr Humphreys referenced his success in witness statements and/or oral testimony about his achievements, in supporting students to achieve outstanding results. He also demonstrated an ability to teach outside of his subject knowledge to support the schools and students that he worked with.

As such, the panel considered that a public interest consideration in retaining Mr Humphreys in the profession did exist. The panel was not aware of any doubts having been cast upon his abilities as an educator and/or his ability to make a contribution to the profession. The panel acknowledged that Mr Humphreys made a significant contribution to the education sector.

The panel considered some specific comments from educators who referenced Mr Humphreys' ability as a teacher:

- [REDACTED], who previously worked with Mr Humphreys in a school in London, stated that *"Mr Humphreys was a hard working teacher...he regularly went the extra mile taking many late fixtures and consistently running lunchtime/after school clubs. He also did an excellent job of preparing students for moderation in his role as Head of BTEC within the department. He had a calm head, even when*

presented with challenging deadlines and managing multiple members of staff in this role.”

- [REDACTED], who stated that *“Nick’s commitment to student wellbeing was evident in his daily interactions and in his willingness to go above and beyond to support pupils and colleagues. He was instrumental in providing students with valuable opportunities to develop teamwork and confidence outside of the classroom. Throughout his time with us there were no safeguarding or disciplinary concerns related to Nick. He was highly regarded by both students and staff, forming strong, professional relationships.”*
- [REDACTED] who worked with Mr Humphreys at a previous school, who stated that *“he became a vital member of the geography department, he attended field trips and was highly reliable and dependable.”*

In view of the public interest considerations, the panel reflected carefully whether or not it would be proportionate to impose a prohibition order, taking into account, the effect that this would have on Mr Humphreys. 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 Humphreys. 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);
- failure in their duty of care towards a child, including exposing a child to risk; and
- violating of the rights of pupils.

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 Humphreys actions were not deliberate.

There was no evidence that Mr Humphreys was acting under extreme duress.

There was evidence that Mr Humphreys demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector previous to his time at the School as set out in detail above.

The panel was satisfied that Mr Humphreys had demonstrated complete insight and remorse as to his behaviour and its effect on the School and on the teaching profession in general. The panel was impressed by the steps taken by Mr Humphreys to [REDACTED]. These steps included [REDACTED].

The panel is satisfied that Mr Humphreys has maintained [REDACTED]. It has been three years since the misconduct occurred and Mr Humphreys has used that time to regain his health and work positively on his [REDACTED]. The panel was reassured that Mr Humphreys has developed adequate coping strategies and has around him a strong personal and professional network of support which causes the panel to believe that the likelihood of the behaviour recurring is very remote.

Finally, the panel noted that, [REDACTED], Mr Humphreys has continued to volunteer at [REDACTED] as a mentor to other people [REDACTED].

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 undertook a meticulous and extensive consideration of the presented evidence and engaged in lengthy debate. The panel balanced the public interest consideration of prohibiting Mr Humphreys against the benefits of retaining him within the teaching profession.

The panel considered the gravity of the established misconduct, against Mr Humphreys' substantial contributions to the teaching profession in the past. This involved careful deliberation and scrutinising the evidence presented, which included the oral evidence of an [REDACTED] on two occasions.

The panel took into account the time period that had passed since the misconduct and the amount of time invested personally, financially and professionally by Mr Humphreys to address his [REDACTED]. The panel considered the need to apply the standard of the ordinary intelligent citizen, and whether the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The panel concluded that, despite the seriousness of the offence, the individual's outstanding service to education, coupled with [REDACTED], the considerable passage

of time since the incident (three years), and the robust support mechanisms now in place; this mitigated against the need for a prohibition order.

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 some of the allegations proven and found that some of those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or a relevant conviction.

In this case, the panel has also found some of the allegations not proven and/or do not amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute, or 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 Humphreys 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
- 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 Humphreys fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher receiving a conviction for driving with excess alcohol as well attending school, and driving a school minibus with pupils on board, while smelling of alcohol.

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 unacceptable professional conduct, conduct that may 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 Humphreys, 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 makes the following observation:

“In light of the panel’s findings against Mr Humphreys, which involved attending School and driving the School minibus and being convicted of driving a car, under the influence of alcohol, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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 it sets out as follows:

“The panel was satisfied that Mr Humphreys had demonstrated complete insight and remorse as to his behaviour and its effect on the School and on the teaching profession in general. The panel was impressed by the steps taken by Mr Humphreys to [REDACTED]. These steps included [REDACTED].

The panel is satisfied that Mr Humphreys has maintained [REDACTED]. It has been three years since the misconduct occurred and Mr Humphreys has used that time to regain his health and work positively on his [REDACTED]. The panel was reassured that Mr Humphreys has developed adequate coping strategies and has around him a strong personal and professional network of support which causes the panel to believe that the likelihood of the behaviour recurring is very remote.”

In my judgement, the extensive degree of insight and remorse developed by Mr Humphreys means that I agree with the panel that there is a very limited risk of

the repetition of this behaviour. 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 observes that: “The findings of misconduct are serious, and the conduct displayed in allegations 1 and 2 would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the finding of a teacher being convicted of driving with excess alcohol in this case and the negative impact that such a finding could 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 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 Humphreys himself. The panel records the following observations:

“The panel gave serious consideration to the oral evidence provided by Mr Humphreys with regards to his passion for teaching, in particular the passion shown for his subject area. The panel also noted that Mr Humphreys had provided oral evidence of his students’ sporting achievements, the relationships he developed as a teacher, and community connections which he built when he was teaching.

The panel also noted that Mr Humphreys shared in oral evidence that he taught vulnerable and complex pupils in inner city schools with great success. This is an area of education which requires resilience, determination and dedication. In the experience of the panel, teaching such students requires a specific skillset that not all teachers can demonstrate.

Various educators who worked with Mr Humphreys referenced his success in witness statements and/or oral testimony about his achievements, in supporting students to achieve outstanding results. He also demonstrated an ability to teach outside of his subject knowledge to support the schools and students that he worked with.

As such, the panel considered that a public interest consideration in retaining Mr Humphreys in the profession did exist. The panel was not aware of any doubts having been cast upon his abilities as an educator and/or his ability to make a

contribution to the profession. The panel acknowledged that Mr Humphreys made a significant contribution to the education sector.”

A prohibition order would prevent Mr Humphreys 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 concerning the extensive evidence of Mr Humphrey's insight and remorse.

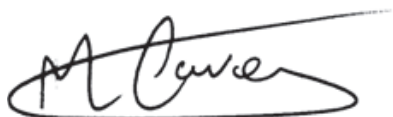
I have also placed considerable weight on the evidence of Mr Humphreys positive contribution to the teaching profession.

In addition, I have considered the panel's concluding remarks:

“The panel concluded that, despite the seriousness of the offence, the individual's outstanding service to education, coupled with [REDACTED], the considerable passage of time since the incident (three years), and the robust support mechanisms now in place; this mitigated against the need for a prohibition order.

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.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. While the misconduct committed by Mr Humphreys was undoubtedly serious, I have noted the considerable steps he has taken to develop insight into his behaviour and ensure that there will be no repetition. Given this, and the evidence of his commitment to teaching presented to the panel, 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', with a large, sweeping loop at the end.

Decision maker: Marc Cavey

Date: 22 May 2025

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