



National College for  
Teaching & Leadership

# **Mr Daniel Van Loo: Professional conduct Panel outcome**

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

**February 2015**

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

<b>Teacher:</b>	Mr Daniel Van Loo
<b>Teacher ref no:</b>	9450011
<b>Teacher date of birth:</b>	08/10/1968
<b>NCTL case ref no:</b>	11654
<b>Date of determination:</b>	25 February 2015

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 to 25 February 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Daniel Van Loo.

The Panel members were Mr Martin Greenslade (Lay Panellist in the Chair) Ms Mary Speakman (Teacher Panellist) and Mr Brian Hawkins (Teacher Panellist).

The legal adviser to the Panel was Mr Robin Havard of Blake Morgan Solicitors.

The Presenting Officer for the National College was Ms Lucy Coulson of Browne Jacobson Solicitors.

Mr Van Loo was present and was represented by Mr Andrew Faux of Counsel.

The hearing took place in public and was recorded.

### **B. Decision of the Panel in respect of the application by Mr Van Loo for the hearing to be in private**

The Panel considered the application for the hearing to be in private.

The Panel listened carefully to the application made by Mr Faux that the hearing should be heard in private, primarily to attempt to protect the interests of third parties.

However, the Panel concluded that it was in the public interest for the hearing to be heard in public in the knowledge that the Panel would have to announce its decision in public and will have to refer to Mr Van Loo by name.

Notwithstanding that, and again taking account of what had been said by both representatives, the Panel concluded that it would be in the public interest to anonymise the names of the two schools which feature in these proceedings.

## C. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 21 October 2014.

It was alleged that Mr Van Loo was guilty of unacceptable professional conduct in that whilst employed at School B between September 2013 and February 2014 you:

1. Failed to adhere to professional boundaries and abused your position of trust, in that you:
  - (a) Engaged in inappropriate social media conversations with a fifteen year old female pupil, Student A, whom you previously taught at a former school;
  - (b) Exchanged photographs of each other with Student A on Snapchat
  - (c) Encouraged an inappropriate relationship with Student A beyond a normal teacher/pupil relationship.
2. And in doing so at paragraph 1 your conduct was sexually motivated.

Mr Van Loo admitted the facts of allegation 1 save that he did not admit that his behaviour amounted to an abuse of his position of trust. He denied allegation 2.

Insofar as allegation 1 was admitted, Mr Van Loo also admitted that such behaviour amounted to unacceptable professional conduct.

## D. Summary of evidence

### Documents

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

**Section 1:** Chronology and Anonymised Pupil List, pages 2 to 3

**Section 2:** Notice of Proceedings and Response, pages 5 to 11

**Section 3:** National College for Teaching and Leadership Witness Statements, pages 13 to 14

**Section 4:** National College for Teaching and Leadership Documents, pages 16 to 333

**Section 5:** Teacher Documents, pages 335 to 345

In addition, the Panel agreed to accept the following:

A list of schools duly anonymised page 346.

The Panel members confirmed that they had read all of the documents in advance of the hearing.

## **Witnesses**

The Panel heard oral evidence from Witness A, Assistant Headteacher at School B called by the Presenting Officer, Ms Lucy Coulson.

Mr Van Loo gave evidence on his own behalf.

## **E. Decision and reasons**

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

### **Brief Summary**

Between 2003 and 2013, Mr Van Loo had held the position of Subject team leader at School A at which, as at 2013, Student A was a Year 10 female pupil.

As from September 2013, Mr Van Loo had been appointed to the position of Assistant Head Teacher at School B.

It was discovered that, shortly after his commencement of employment at School B, Mr Van Loo engaged, via social media and email, in a protracted conversation with Student A, a former pupil of his at School A.

### **Findings of fact**

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

1. **Failed to adhere to professional boundaries and abused your position of trust, in that you:**

- a. **engaged in inappropriate social media conversations with a fifteen year old female pupil, Student A, whom you previously taught at a former school;**

This was admitted by Mr Van Loo.

There was substantial documentary evidence available to the Panel on which it was able to make its findings of fact (pages 80 to 304 of the bundle). The exchanges were all in the abbreviated form which is customary in such social media conversations.

It may be correct that the initial reason for contact between Mr Van Loo and Student A was in relation to Student A requesting assistance with her French studies. However, in the entire and extensive exchange between Mr Van Loo and Student A, there are only two references to the topic. One relates to Student A saying to Mr Van Loo that “French sux” (page 164), the other where Student A had sent a message to Mr Van Loo indicating that she was struggling with her studies to which he replied “Which do u prefer...written or oral..?X”.

The Panel concluded that the entirety of the social media conversation between Student A and Mr Van Loo was inappropriate.

- b. **exchanged photographs of each other with Student A on Snapchat;**

This allegation was admitted by Mr Van Loo and the Panel found it proved.

Whilst none of the photographs were available for the Panel to consider, by Mr Van Loo’s own admission, photographs of a personal nature were exchanged between him and Student A. Mr Van Loo had provided Student A with his login details to enable such photographs to be exchanged with each other. Mr Van Loo confirmed that he only exchanged photographs with Student A using this application.

- c. **encouraged an inappropriate relationship with Student A beyond a normal teacher/pupil relationship.**

This was admitted by Mr Van Loo and the Panel found it proved.

As stated, the Panel found the entirety of the exchanges between Mr Van Loo and Student A between 2 October 2013 and 19 October 2013 to be inappropriate whether via Facebook, Snapchat or email. It also found that, in engaging with Student A in this way, it was intended by Mr Van Loo that an inappropriate relationship developed.

There are many examples of exchanges taking place which can be described as either flirtatious or intimate or both. The following are examples:

There were then a number of exchanges late in the evening when Mr Van Loo would engage in intimate communications with Student A about going to bed and to sleep (pages 138-9, 156-7, 182).

The exchanges between Mr Van Loo and Student A became progressively more intimate.

Still Mr Van Loo did not stop the exchanges nor did he report the matter to anyone either at School A or School B.

On the same day, Mr Van Loo stated that he was "...really flattered" by remarks from Student A (page 219) and then said, tellingly, "if it's something personal email me x" (page 220).

On 16 October 2013, Mr Van Loo instigated at 20.10 exchanges about dreams, asking Student A "what do you dream about?" (page 276). Student A stated that she dreams about Mr Van Loo but declined to give further details. Mr Van Loo then says "Email me and tell me.....I dare you !!! Xxx" (page 277).

The Panel found on the balance of probabilities that the emails, details of which were at pages 306 to 307 of the bundle, were exchanged at that time between them. The Panel was satisfied that the following exchange took place between Mr Van Loo and Student A:

By further reference to the exchanges on Facebook, it can be seen that Student A had asked Mr Van Loo whether he had received the email and he confirmed that he had replied (page 277).

The Panel was satisfied that Mr Van Loo was referring in these exchanges with Student A to dreaming about having sexual relations with her.

The Panel was also satisfied that the exchanges between Mr Van Loo and Student A, of which the above was a sample, illustrated an attempt on the part of Mr Van Loo to encourage the development of an inappropriate relationship with Student A. The Panel rejected Mr Van Loo's evidence that his aim was to provide support to Student A and to enhance her self-esteem. The exchanges simply did not allow the Panel to reach such a view. The Panel also rejected Mr Van Loo's suggestion that he felt badgered by Student A and simply wrote what he thought she wanted to hear. There were a number of examples where it was Mr Van Loo who instigated the contact and this occurred up until 17 October 2013 (page 297).

On the basis of its findings at paragraph 1(a), (b) and (c) above, the Panel was satisfied that Mr Van Loo had failed to maintain proper boundaries and had also abused his position of trust as between teacher and pupil. It was in his position as a teacher that Mr Van Loo had first come into contact with Student A. He was in a position of authority and influence and he abused that position for his own

advantage. The Panel did not consider the fact that Student A was a recent former pupil detracted from his responsibilities as a teacher towards Student A who was still a 15 year old pupil at Mr Van Loo's former school.

2. **And in doing so at paragraph 1 above your conduct was sexually motivated.**

The Panel found this allegation proved.

The Panel repeated and relied on its findings under paragraph 1 above. On the basis of those findings, the Panel had found on the balance of probabilities that it was proper to infer that Mr Van Loo's behaviour was sexually motivated.

In reaching its decision, the Panel had considered very carefully all of the evidence to include the evidence as to character advanced on behalf of Mr Van Loo and took full account of the fact that the relationship had not progressed to a physical relationship between him and Student A. Furthermore, the Panel had included in its deliberations the likelihood of Mr Van Loo behaving in this way, taking account of the risks involved and potential consequences for his career.

The Panel also found that Mr Van Loo had been properly trained in relation to the safeguarding policies at Schools A and B and their policies in relation to communications with pupils and former pupils.

The Panel was satisfied that the evidence of Mr Van Loo's conduct being sexually motivated was extensive and conclusive.

## **Findings as to unacceptable professional conduct**

The Panel was satisfied that the misconduct of Mr Van Loo was of a serious nature, falling significantly short of the standard expected of a teacher and as such amounted to unacceptable professional conduct. The finding that Mr Van Loo had sought to develop a relationship with a student which was sexually motivated was extremely serious. In doing so, he had failed:

- a. To demonstrate consistently high standards of personal and professional conduct;
- b. To treat Student A with dignity and to build a relationship rooted in mutual respect;
- c. To observe proper boundaries appropriate to his position as a teacher;
- d. To have regard for the need to safeguard Student A's well-being, bearing in mind Mr Van Loo's evidence that Student A was quite a solitary pupil with only a few friends;
- e. To comply with the policies and practices of both Schools A and B, of which he accepted he was aware, in relation to safeguarding and communication with pupils.

## Decision on Publication

The Panel had been asked by Mr Faux on behalf of Mr Van Loo to consider expressing a view on whether it was appropriate for the entirety of the decision announced on 24 February 2015 to be published.

The reason for the request was that certain of the exchanges between Mr Van Loo and Student A had been included verbatim in the decision in order to support the conclusions reached by the Panel. The concern was that, if such exchanges were published, there may be serious consequences for Mr Van Loo's family and Student A.

Ms Coulson confirmed that, whilst the College had sympathy for any adverse consequences that may flow from publication, it was in the public interest for the announced decision to be made public in order that the public and the profession understood why the Panel reached the decision that it did, and what sort of behaviour and language was considered unacceptable.

The Panel had concluded that it was ordinarily in the public interest for the announced decision to be made public. The Panel had announced its decision in public and it was considered important that sufficient detail was included to support the decisions it reached. It was simply by chance that neither anyone from the public nor press were in attendance.

The Panel was sympathetic to any possible adverse consequences for Mr Van Loo's family but this case was not unique in relation to the potentially unfortunate effects on a teacher's family.

The Panel was, if anything, more anxious about the potential identification of Student A and the negative impact of such identification on the understanding that Student A may still be living in the local area. The concern of the Panel also extended to the potential distress and anxiety which may be caused to her through the publication of such detailed exchanges.

Nevertheless, on the basis that the Panel had announced its full decision in public, and on the understanding that it was open to Mr Faux to make written representations to the College regarding the publication of the full decision, the Panel had concluded that it would not be appropriate to express a definitive view at this stage. It decided that, as long as there was compliance with the rules relating to publication as set out in the "Teacher misconduct – Disciplinary Procedures Rules for the teaching profession", the extent of such publication in relation to this case should be a matter for the College.

## Panel's recommendation to the Secretary of State

The Panel was satisfied that Mr Van Loo's behaviour was incompatible with being a teacher and the Panel relied on the following reasons:

- These were serious departures from the personal and professional conduct elements of the Teachers' Standards as outlined above;
- The misconduct ran the risk of seriously affecting the education and well-being of Student A;
- This behaviour amounted to an abuse of his position of trust as a teacher;
- The conduct involved behaviour which was sexually motivated and Mr Van Loo had exploited his position of trust and influence;
- The actions of Mr Van Loo were deliberate and there was no suggestion that he had been acting under duress;
- Mr Van Loo had received safeguarding training on an ongoing basis whilst at Schools A and B and the Panel found that, in any event, it should have been obvious to a teacher that his behaviour was entirely unacceptable.

The Panel had taken into consideration the fact that Mr Van Loo was a person of previous good character. It was also recognised that all the evidence suggested that Mr Van Loo was a capable teacher.

The Panel had taken full account of the broadly positive character references provided.

Despite the extent of his admissions, the Panel considered that Mr Van Loo had shown limited insight into his behaviour. Indeed, even when giving his evidence at the hearing, Mr Van Loo attempted to apportion a level of responsibility for what took place to Student A. The Panel was left with the impression that Mr Van Loo did not completely recognise the level of influence that can be exercised by a teacher and that he had exercised that influence and power in an entirely inappropriate way.

In a similar way, and for related reasons, the Panel was not entirely convinced that Mr Van Loo's expressions of remorse were totally genuine and unconditional.

With regard to the risk of repetition, this has to be linked with the observations and findings of the Panel with regard to its assessment of Mr Van Loo's insight and remorse. The majority of the Panel concluded that, with sufficient time to reflect on his misconduct and appropriate training, the risk of repetition should be removed; however, the minority view was that such a risk should not be discounted.

The Panel was satisfied that a Prohibition Order was necessary in order to: protect pupils; maintain public confidence in the profession and to declare and uphold proper standards of conduct. The Panel felt that this was proportionate, having weighed the interests of the public against those of Mr Van Loo. The Panel had listened very carefully

to the evidence and submissions of the consequences to Mr Van Loo and his family of a Prohibition Order being made. Whilst it did not doubt that the consequences would be significant, it bore in mind that the reputation of the profession and the maintenance of the public's trust in the profession was more important than the fortunes of any one individual member of the profession. This was the Panel's recommendation.

The Panel further considered whether to recommend that Mr Van Loo should be able to apply for the Prohibition Order to be set aside after a specified period or whether there should be no such provision.

On balance, and by a majority, the Panel recommended that Mr Van Loo should be entitled to apply for a review of the Prohibition Order after a period of four years has elapsed. Whilst serious, and whilst it related to sexual misconduct and the exploitation of the trust, knowledge and influence derived from Mr Van Loo's position as a teacher, a physical sexual relationship had not taken place and the evidence suggested that Mr Van Loo brought the exchanges to an end as opposed to an intervention by a third party.

There was agreement that this activity was sexually motivated and that there had been insufficient insight and remorse. However, the minority view was that there had been potential for harm to result from Mr Van Loo's behaviour and that there was insufficient evidence to conclude that there was no risk of a repetition of such behaviour. In the circumstances, the minority view was that Mr Van Loo should not be allowed to make a future application to have the prohibition reviewed.

The Panel considered that a period of four years was sufficient to mark to the general public and the profession that such behaviour was wholly inappropriate. It may also be sufficient for Mr Van Loo to demonstrate that, over such a period, he had fully developed the attitude and behaviours required to fulfil safeguarding requirements.

## **Decision and reasons on behalf of the Secretary of State**

I have carefully considered the findings and recommendations of the panel in this case. The panel have found the allegations proven and determined that those facts amount to unacceptable professional conduct.

The panel is clear that Mr Van Loo's behaviour was incompatible with being a teacher on a number of fronts. They have taken into account that Mr Van Loo was a person of previous good character and a capable teacher. However, despite his admissions, the panel are of the view that Mr Van Loo has shown limited insight and were not entirely convinced by his expressions of remorse.

Mr Van Loo's behaviour related to sexual misconduct and the panel found his activity to be sexually motivated. I agree with the panel's recommendation that a prohibition order is both an appropriate and proportionate sanction.

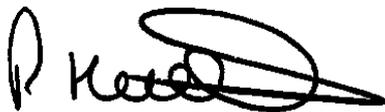
The panel have gone on to consider whether a review period is appropriate in this case. The majority view of the panel was that, with sufficient time to reflect on his behaviour and appropriate training, the risk of repetition could be removed. No sexual relationship had taken place and the evidence pointed to Mr Van Loo bringing the exchanges to an end rather than as a result of third party intervention.

In the circumstances I agree with the recommendation that Mr Van Loo should be allowed to apply for the order to be set aside after a minimum period of 4 years has elapsed.

**This means that Mr Daniel Van Loo is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 6 March 2019, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a Panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Daniel Van Loo remains prohibited from teaching indefinitely.

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

Mr Daniel Van Loo has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

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

**NAME OF DECISION MAKER: Paul Heathcote**

**Date: 2 March 2015**

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