



National College for  
Teaching & Leadership

# **Mr Kelvin Loraine Professional conduct panel outcome**

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

**March 2015**

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

**Teacher:** Mr Kelvin Loraine

**Teacher ref no:** 0672273

**Teacher date of birth:** 29 June 1983

**NCTL case ref no:** 0012132

**Date of determination:** 18 March 2015

**Former employer:** N/A

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 March 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Kelvin Loraine.

The panel members were Mr Tapan Debnath (lay panellist – in the chair), Mr John Pemberton (teacher panellist) and Councillor Gail Goodman (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The meeting took place in private. The announcement of the decisions of the panel (as to facts and unacceptable professional conduct/conduct that may bring the profession into disrepute) were announced in public and recorded.

### **B. Allegations**

The panel considered the allegation(s) set out in the Notice of Meeting dated 13 February 2015.

It was alleged that Mr Kelvin Loraine was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he:

**1. Developed an inappropriate relationship with Child A which commenced when she was 15 years old and continued after she turned 16 years old, including that he:**

**a. Received 30-40 sexual images of Child A naked which she sent to him, sometimes at his request;**

- b. Instructed and viewed Child A in performing sexual acts via Skype;**
  - c. Allowed Child A to view him masturbating via Skype;**
  - d. Invited her to sign a slave contract with him.**
- 2. In doing so, his conduct as described in allegation 1 was sexually motivated.**
- 3. Received a caution from Durham Constabulary on 10/07/2014 for the offence of possessing an indecent photograph or pseudo-photograph of a child on 01/01/2013 – 21/01/2014.**

Mr Loraine admitted the alleged facts and that the admitted facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. He signed a Statement of Agreed Facts to that effect.

## **C. Summary of evidence**

### **Documents**

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

- Section 1: Anonymised pupil list and chronology with page number 2 to 3**
- Section 2: Notice of referral, response and notice of the meeting with page numbers from 5 to 10b**
- Section 3: Statement of Agreed Facts and Presenting Officer representation page numbers from 12 to 19**
- Section 4: NCTL documents with page numbers from 21 to 51**
- Section 5: Teacher documents with page numbers from 53 to 60**

The panel members confirmed that they had read all of the documents in advance of the meeting.

### **Statement of Agreed Facts**

The panel was presented with a Statement of Agreed Facts signed by Mr Loraine on 22 January 2015.

## **D. 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 meeting.

Mr Loraine was born on 29 June 1983. At all relevant times he was employed to carry out teaching work at a school in England. Mr Loraine came into contact with Child A in an on-line chat room on the internet in or about March/April 2013. Child A would have been 15 years old at that time. They had daily contact on-line and by phone. Mr Loraine admits that his communications, on-line and by phone, with Child A were romantic and sometimes sexual in nature. He admits that he became aware that she was 15 years of age at some point after the relationship commenced and at least 6 weeks before Child A’s 16<sup>th</sup> birthday. Mr Loraine accepts that Child A sent approximately 30 – 40 photographs of her naked body to him, sometimes but not always at his request. Mr Loraine asserts that this did not occur until after Child A’s 16<sup>th</sup> birthday and during these communications Mr Loraine requested that Pupil A touch herself intimately using her finger, her hairbrush and a sex toy and that he viewed her performing these acts via Skype. Mr Loraine admits that this was for his sexual gratification.

Mr Loraine also admits that, shortly after Child A’s 16<sup>th</sup> birthday, he and Child A entered into a “slave contract”, the written terms of which are attached to the Agreed Statement of Facts. Mr Loraine admits that his conduct was sexually motivated. On 30 November 2013, shortly after Child A’s 16<sup>th</sup> birthday, Mr Loraine arranged to meet her at a hotel in Plymouth and travelled there from his home in Durham. They then engaged in consensual sexual intercourse.

Mr Loraine received a caution from Durham Constabulary on 10 July 2014 for the offence of possessing an indecent photograph or pseudo-photograph of a child. Mr Loraine says that he accepted this caution on the basis that he had in his possession indecent images of Child A when she she was aged 16. He said that he was unaware that an individual had to be 18 years of age in respect of such images.’

## **Findings of fact**

- 1. Developed an inappropriate relationship with Child A which commenced when she was 15 years old and continued after she turned 16 years old, including that he :**
  - a. Received 30-40 sexual images of Child A naked which she sent to him, sometimes at his request;**
  - b. Instructed and viewed Child A in performing sexual acts via Skype;**

- c. **Allowed Child A to view him masturbating via Skype;**
  - d. **Invited her to sign a slave contract with him.**
2. **In doing so, his conduct as described in allegation 1 was sexually motivated.**
3. **Received a caution from Durham Constabulary on 10/07/2014 for the offence of possessing an indecent photograph or pseudo-photograph of a child on 01/01/2013 – 21/01/2014.**

The panel finds the facts of each allegation proved, based on Mr Loraine's admissions and the content of the Agreed Statement of Facts.

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

Mr Loraine admits that his actions constitute unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has taken these admissions into account, but made its own determination.

The panel is satisfied that Mr Loraine's actions amount to unacceptable professional conduct. This was misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The behaviour involved the offence of possession of an indecent photograph or pseudo photograph of a child, for which he accepted a police caution.

The panel is also satisfied that Mr Loraine's actions amounted to conduct that may bring the profession into disrepute. It was likely to have a negative impact on Mr Loraine's status as a teacher. Teachers are expected to be role models and his actions have the potential to damage the public's perception of the teaching profession.

In making these findings, the panel has taken into account the personal and professional conduct elements of the Teachers' Standards and the need for teachers to uphold public trust and confidence in the profession and maintain high standards of ethics and behaviour within and outside of school.

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

The panel is satisfied that Mr Loraine's behaviour is incompatible with being a teacher, for the following reasons:

- This was a serious departure from the personal and professional conduct elements of the Teachers' Standards.
- The actions affected the well-being of Child A.

- Although Mr Loraine was not Child A's teacher, he did tell her that he was a teacher. This had the potential for establishing Child A's trust in him and influencing her behaviour where there was a significant age difference between the two.
- Mr Loraine has admitted that his actions were sexually motivated and potentially used influence derived from his professional position.
- Mr Loraine admitted that he caused, on occasions, Child A to take and send indecent images of herself as well as performing sexual acts over Skype for his own sexual gratification.
- He committed the offence of possession of indecent images of Child A, for which he was cautioned.

The panel then considered any mitigating factors. The panel noted that Mr Loraine had a previous good history as a teacher. Mr Loraine expresses regret for his actions. However, the panel considers that his actions were planned over a period of time and, therefore, deliberate.

The panel is satisfied that it is necessary for a prohibition order to be imposed in order to protect pupils and other members of the public, maintain public confidence in the teaching profession and to declare and uphold proper standards of conduct. The panel believes this is a proportionate sanction. This is the panel's recommendation.

The panel then considered whether to recommend that Mr Loraine be allowed to apply to have the prohibition order reviewed after a specified period of time. The panel noted that:

- this was serious sexual misconduct in that Mr Loraine's actions were sexually motivated, had the potential to result in harm to Child A and may have involved use of influence derived from his professional position.
- Mr Loraine was the instigator of indecent images of Child A being taken which he then had in his possession for his own sexual gratification.

For these reasons the panel recommends that a prohibition order is imposed with no provision for Mr Loraine to apply to have it set aside.

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

I have considered the findings and recommendations of the panel in this case.

The panel have found proven a range of allegations relating to an inappropriate relationship with child A, they have found his actions to be sexually motivated and they have taken into account a caution for the offence of possessing an indecent photograph or pseudo-photograph of a child. The panel have judged the facts to amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel are satisfied that Mr Loraine's behaviour is incompatible with being a teacher. Despite his previous good history as a teacher and his expressions of regret, the panel have recommended that it is both appropriate and proportionate to impose a prohibition order. I agree with their recommendation.

The panel have noted that Mr Loraine's behaviour amounts to serious sexual misconduct. He was the instigator of indecent images of a child being taken which he then had in his possession for his own sexual gratification. I agree with the panel's recommendation that the order should be without the opportunity to apply for it to set aside at a future date.

**This means that Mr Kelvin Loraine is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Kelvin Loraine shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Kelvin Loraine 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.

**NAME OF DECISION MAKER: Paul Heathcote**

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

**Date: 23 March 2015**

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