



National College for  
Teaching & Leadership

# **Mr Liam Leaning: Professional conduct panel outcome**

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

**April 2016**

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

**Teacher:** Mr Liam Leaning  
**Teacher ref number:** 0682061  
**Teacher date of birth:** 27 March 1980  
**NCTL case reference:** 13036  
**Date of determination:** 29 April 2016  
**Former employer:** Hillborough Junior School, Luton

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 25 to 28 April 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Liam Leaning.

The panel members were Mr Michael Lesser (teacher panellist – in the chair), Cllr Gail Goodman (teacher panellist) and Ms Nicolé Jackson (lay panellist).

The legal adviser to the panel was Miss Eszter Horvath-Papp of Eversheds LLP.

The presenting officer for the National College was Ms Gudrun Young of 2 Hare Court.

Mr Leaning was present in the hearing and was represented by Ms Louise Price of Doughty Street Chambers.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 5 November 2015.

It was alleged that Mr Leaning was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Hillborough Junior School, between January 2013 and August 2014:

1. On one or more occasions he engaged in communication of an inappropriate and/or adult nature with Pupil A, a 12/13 year old boy, in particular he:
  - a. made references to relationships and/or sexual behaviour and/or sexual orientation as set out in Schedule A to the Notice of Proceedings;
  - b. made references to being in the bath while messaging Pupil A as set out in Schedule B to the Notice of Proceedings,
  - c. made references to massages as set out in Schedule C to the Notice of Proceedings,
  - d. made references to sunbathing as set out in Schedule D to the Notice of Proceedings,
  - e. made references to what he was wearing as set out in Schedule E to the Notice of Proceedings;
2. He previously taught Pupil A at School A;
3. His actions as set out at paragraph 1 above were sexually motivated

Mr Leaning admitted allegations 1 and 2, but denied allegation 3 and that his actions constituted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In these circumstances, the panel heard the matter as a contested case.

## **C. Preliminary applications**

The panel has heard applications from both parties to admit additional evidence. The panel is mindful that paragraph 4.18 of the disciplinary procedures states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

Firstly, the presenting officer has applied to admit an unredacted version of the witness statement of Witness A, the LADO for Luton Borough Council, along with an e-mail dated 20 April 2016 in which he sets out his experience and recognised research on the topic of

grooming. Paragraph 12 of the witness statement sets out Witness A's views on whether Mr Leaning's actions might have been part of a process of grooming. Ms Price has resisted this application on the basis that opinion evidence should not be admissible unless given by an expert, and Witness A is not a recognised expert in this case.

In the panel's view, paragraph 4.18 enables the panel to admit "any" evidence, and this includes opinion evidence, whether given by an expert or not. Witness A's experience and knowledge of the issues on which he will comment, can be tested during this oral evidence, and the panel will decide what weight it should give his evidence. In any event, the panel notes that his additional evidence is already mostly before the panel on page 73 of the bundle. In this case, the panel does not consider that Mr Leaning's case will be prejudiced by the admission of the unredacted statement and the e-mail, and in the panel's view both are relevant to the case. Further, the panel is mindful that these proceedings are investigatory in nature.

In these circumstances, the panel admits these two documents to the bundle. Witness A's unredacted statement is substituted in place of the original redacted version in the bundle. Witness A's e-mail is added as page 306.

The panel has also heard an application from Ms Price to admit an e-mail from the school's chair of governors dated 10 October 2014, and two letters from the Disclosure & Barring Service. The panel notes that the outcomes of the school's disciplinary process and the DBS investigations are already evident from the existing bundle of documents. The panel is mindful that these outcomes were arrived at having followed their own processes and tests, and they are not binding upon this panel. However, the panel is satisfied that all three documents are relevant to this case, and it is fair to admit them in the circumstances.

The panel therefore also admits these documents and paginates them pages 307 to 310.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and Anonymised Individual List, with page numbers from 2 to 4

Section 2: Notice of Proceedings, Schedule of Facebook Messages and Notice of Proceedings Response, with page numbers from 6 to 20

Section 3: National College for Teaching and Leadership Witness Statements, with page numbers from 22 to 30

Section 4: National College for Teaching & Leadership Documents, with page numbers from 32 to 244

Section 5: Teacher Documents, with page numbers from 246 to 305

In addition, the panel has admitted the documents referred to in section C above, with page numbers 306 to 311.

Further, part way through the proceedings, Ms Price applied to admit some additional documents demonstrating Mr Leaning's use of social media generally. The presenting officer had no objections to their admission, on the basis that Mr Leaning could be recalled to give evidence in connection with these documents. In the circumstances, the panel was of the view that the documents were relevant and helpful and agreed to admit these documents, with page numbers 311-321.

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

## **Witnesses**

The panel heard oral evidence from a number of witnesses:

On behalf of the NCTL:

- Witness A, Local Authority Designated Officer ("LADO") for Luton Borough Council

On behalf of Mr Leaning:

- Witness B, Assistant Headteacher at the school
- Witness C, Assistant Headteacher at the school
- Witness D, SENCo at the school, previously Assistant Headteacher at another school
- Witness E, parish priest

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Leaning qualified as a teacher in 2006. He initially worked at School A, where Pupil A was briefly in his set. Mr Leaning then moved to Hillborough Junior School in 2009, where he was a Year 3 class teacher and specialist leader for ICT. Mr Leaning had known Pupil A's family for most of his life [redacted]. Between January 2013 and May

2014 Mr Leaning and Pupil A exchanged a number of messages via Facebook. Pupil A was 12-13 years old at that time. Pupil A raised concerns with his mother that some of the messages were making him feel uncomfortable, and Pupil A's mother referred these concerns to the police. The school undertook an investigation and Mr Leaning underwent a disciplinary process, which resulted in a final written warning. The matter was then referred by the local authority to the DBS, who then referred the matter to the NCTL.

## **Findings of fact**

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

**1. On one or more occasions you engaged in communication of an inappropriate and/or adult nature with Pupil A, a 12/13 year old boy, in particular you:**

**1.a. made references to relationships and/or sexual behaviour and/or sexual orientation as set out in Schedule A;**

**1.b. made references to being in the bath while messaging Pupil A as set out in Schedule B,**

**1.c. made references to massages as set out in Schedule C,**

**1.d. made references to sunbathing as set out in Schedule D, and**

**1.e. made references to what you were wearing as set out in Schedule E;**

A copy of the Facebook communications between Mr Leaning and Pupil A is included in the bundle between pages 32 and 68. It is clear that these communications have taken place and included the references set out in the schedules to the notice of proceedings.

In the panel's view, many of the messages were inappropriate and of an adult nature. Mr Leaning was conversing with Pupil A as if he were another adult friend, so a number of messages regarding Pupil A's romantic status and interests were too personal in nature, used adult language and were entirely inappropriate given Pupil A's age at the time. Further, Mr Leaning shared personal information about himself in relation to his being in the bath, getting massages, sunbathing, wearing his PJs, and his lack of success in relationships. Such communications crossed professional boundaries and were not appropriate in the circumstances.

In addition, Mr Leaning has admitted that these communications have taken place and that they were inappropriate and sometimes of an adult nature.

In the circumstances, the panel is satisfied that these allegations have been proven.

## **2. You previously taught Pupil A at School A;**

Mr Leaning has admitted that he previously taught Pupil A at School A (p.253, paragraph 12), and this issue does not appear to have been in dispute.

The panel is therefore satisfied that this allegation has been proven.

## **3. Your actions as set out at paragraph 1 above were sexually motivated**

The panel has seen and heard considerable evidence regarding Mr Leaning's character and potential motivation for his actions in messaging Pupil A. The panel has been mindful of the legal advice to assess sexual motivation in two stages: firstly to consider whether reasonable persons would think the behaviour found proven could be sexual, i.e. the objective limb, and secondly to decide whether in all the circumstances of the conduct in the case, Mr Leaning's purpose of such behaviour was sexual, i.e. the subjective limb.

The panel has heard from Witness A, who has been the LADO at Luton Borough Council since 2009 and has received and delivered a significant amount of training on safeguarding issues. He explained to the panel that to the best of his knowledge and experience there is a wide spectrum of signs which may indicate grooming behaviour, and these can include befriending a child, giving them special attention, and changing the normal boundaries of the adult-child relationship. The communications are often subtle and may be designed to test how the child might respond to certain suggestions. This may take place over some time, and the child may become desensitised to the behaviour, which makes them more susceptible to abuse.

Witness A's principal concerns about Mr Leaning's messages to Pupil A were that they were all initiated by Mr Leaning, any potentially sexual topics were always introduced by him, and he appears to have persisted with the topic even if Pupil A did not respond. In his view, the messages included winks and kisses, and many of them were sent late at night or early in the morning. He was also concerned that the content of the messages concerned partying, getting drunk, kisses and relationships, and, in his opinion, these topics could potentially be seen as being designed to reduce the pupil's resistance.

Mr Leaning has told the panel that his communications with Pupil A were not sexually motivated. He explained that he [redacted] and knew the whole family well [redacted]. Mr Leaning viewed Pupil A as a family friend, who he had known since he was a baby, and who he would have seen at family events or in passing. He could not recall who initiated the friendship on Facebook, but explained that this link would have been visible to Pupil A's parents [redacted], who were also Facebook friends. Mr Leaning said that he would often unwind at home in the evenings in the bath and use Facebook to chat to his friends who were online at the time. He would often be chatting with several people at the same time and not paying full attention to what he was saying.

With regard to the adult nature of some of his messages, Mr Leaning fully accepted that they were inappropriate and said it was never his intention to make Pupil A feel

uncomfortable. He said his comments were jokey and part of banter with Pupil A, and he did not take into account his age at the time. He was simply communicating with him as he would have done with any other friends. He provided the panel with additional documents setting out extracts from his social media accounts showing his use of language and emojis, which were consistent with those used in his messages with Pupil A. However, Mr Leaning acknowledged that none of his other friends on Facebook or Twitter were under the age of 16.

The panel has also heard evidence from four witnesses on behalf of Mr Leaning. They all held Mr Leaning in high regard and said that his messages were inappropriate, but not sexually motivated, but rather naïve, silly and ill-advised. All accepted that if a parent approached them to raise concerns about similar messages, they would investigate. However, all were certain that in Mr Leaning's case, his motivation for engaging in these communications was entirely innocent.

The panel has firstly considered the objective test for sexual motivation, i.e. whether reasonable persons would think that Mr Leaning's messages to pupil A could be sexual. The panel has noted that Mr Leaning's supporting witnesses all considered that on the face of it, there were legitimate explanations for his messages, which did not necessarily have sexual undertones.

However, in the panel's view, some of the messages were clearly sexual in nature. For example, Mr Leaning talked to Pupil A about "chatting up all the birds", "pulling" girls at a pool party and having "more chance with the lads" (p.46), and he also talked about what types of relationships some people might like (p.66). All discussions were initiated by Mr Leaning, and many followed a similar pattern of being directed to topics of a personal or sexual nature, even where Pupil A did not seem particularly interested. On the face of it, the messages appear to have been attempting to draw Pupil A into conversations of a sexual nature, and in the panel's view the motivation for these conversations would be considered by reasonable persons on an objective basis to have been sexual.

The panel has also considered whether Mr Leaning's own motivation, on a subjective basis, would have been sexual. In assessing Mr Leaning's state of mind, the panel has considered his credibility when giving evidence. In the panel's view, Mr Leaning has given some conflicting accounts and implausible explanations, which cast doubt on his credibility.

For example, he had commented to Pupil A that he had "more luck with the other side when I go out" (p.62). In his evidence before the panel, Mr Leaning explained that he meant that he would have more luck being chatted up by someone rather than chatting someone up himself. However, in his interview with the school on 26 June 2014, he said he meant that he was referring to New York and "across the pond" as being the other side (p.82). In his subsequent interview with the police on 16 October 2014, he accepted that he had meant having more luck with men, as a joke (p.116-117), thus giving three entirely different explanations for this one comment.

Mr Leaning has also told the panel that there was nothing in particular which had led him to use particular emojis in his messages, so sometimes he would use a smiley face and sometimes a winking face, but these in themselves did not mean anything. The panel does not find it credible that someone who is such a prolific and long-term user of social media, and a specialist lead for ICT, would use emojis so randomly, and in any case, in the panel's view, the winking faces consistently appear in messages which appear to contain sexual innuendos.

The panel is also of the view that Mr Leaning has been evasive in some of his responses to questions from the presenting officer and from the panel, and he frequently did not give direct answers.

In addition, the panel does not consider that many of Mr Leaning's explanations for his communications stand up to scrutiny. In particular, his primary argument is that Pupil A was a family friend. However, Mr Leaning has accepted that he had not seen Pupil A in person for a couple years prior to his disciplinary interviews (p.91) and that he had never spent any significant time with him, such as during babysitting, or going out on trips [redacted]. In these circumstances, the panel finds it difficult to see how there could have been any meaningful pre-existing contact between Mr Leaning and Pupil A that would establish a context for direct communications of an adult and sexual nature. In light of this, the panel is concerned about why Mr Leaning was messaging Pupil A at all.

Mr Leaning has also explained that he simply did not take into account Pupil A's age when he was communicating with him, so he messaged him in the same way as he would have any other friends. The panel accepts that Mr Leaning commonly shared personal information on social media, such as about getting tanned, engaging in sports, having baths and getting massages, and his use of language was consistent with his communications with his other, adult, friends. However, the panel does not believe that Mr Leaning can have forgotten Pupil A's age, particularly given that on a number of occasions they discussed homework, school holidays and Mr Leaning's own teaching commitments. In the panel's view, Mr Leaning knew exactly who he was talking to and adapted his communications accordingly.

The panel is concerned to note that all of the conversations, over a 16 month period between January 2013 and May 2014, were initiated by Mr Leaning. There were a number of occasions when Pupil A would not respond to Mr Leaning's message, and he would attempt to contact him a number of times over a period of days or weeks. On two occasions Mr Leaning sent him photos of cakes that he had baked, which prompted Pupil A to re-engage in conversation. In the panel's view, such persistence demonstrates Mr Leaning's desire to engage Pupil A in private conversations.

Importantly, the messages were all private messages between Mr Leaning and Pupil A, rather than being public exchanges on Pupil A's Facebook wall. Given Mr Leaning's extensive experience with social media, the panel does not find credible his explanation that he simply wanted to avoid the sound notifications associated with conversations on

walls and he did not know how to switch off those notifications. Whilst the panel notes that Mr Leaning has never asked Pupil A to keep the private messages secret, it is the panel's view that if the messages had been nothing untoward, it would have been natural for Mr Leaning to have mentioned his interactions with Pupil A when he saw [redacted] from time to time over the 16 months during which Mr Leaning was messaging Pupil A. However, Mr Leaning never mentioned the communications with Pupil A to anyone. When asked why he had not, he said that it had never come up in conversation.

Of most concern to the panel is the pattern of each of the conversations and the gradual escalation of the topics. The conversations start in a seemingly innocuous manner, but are quickly steered on to some personal topic. Over time, there was a gradual increase in sexual innuendos and the use of emojis, which appear to soften the messages being delivered. In the final exchange in the evening of 21 May 2014, Mr Leaning abruptly introduced the topic of romance, and queried whether being in a relationship with a male or female would be less stressful (p.66). He then moved the conversation along and said to Pupil A: "as u go along if u try different things it's a learning curve just be happy and stay safe 😊 it's what I did 😊 ... It's like shopping try before u buy" (p.67). He then prompted Pupil A to confirm whether he would want to try.

In the panel's view, the context of this conversation was clearly relationships and romance. The panel does not find credible Mr Leaning's explanation that he was simply talking about life in general, and trying different things such as different friendship groups or jobs. The panel does not consider that in that context it would have made sense to press Pupil A to confirm if he would want to try. In the panel's view, these messages indicate that Mr Leaning was attempting to gauge Pupil A's interest in romantic and sexual experimentation. The panel considers Mr Leaning's explanation that this was all just naïve chat as implausible.

The panel considers it telling that it is after this exchange that Pupil A raised his concerns with his mother that Mr Leaning's messages were making him feel uncomfortable. Importantly, Pupil A had not sought any advice from Mr Leaning and they did not have the kind of close relationship where Pupil A was confiding in Mr Leaning about his personal issues. There was simply no legitimate reason for Mr Leaning to raise these issues, and the panel's view is that these communications were driven by Mr Leaning's sexual motivation.

The panel has also taken careful account of the evidence of Mr Leaning's four supporting witnesses, when assessing Mr Leaning's state of mind. As noted earlier, all were convinced that Mr Leaning could not have been sexually motivated in his communications towards Pupil A. In the panel's view, they all had such unshaken belief in him that they were unable to read the messages objectively. When questioned about the meaning of some of the messages, some witnesses took time to respond while they appeared to think about possible alternative explanations for them, as they simply could not accept what was before them.

All were heavily influenced by the fact that Pupil A was apparently a family friend, which they had been told by Mr Leaning himself, and which they accepted without question. They also had not all seen the entirety of the messages between Mr Leaning and Pupil A, in some cases until the day of the hearing itself. At least one witness was unaware that Pupil A had not sought any particular advice from Mr Leaning which could have explained the nature of some of the conversations.

In the panel's view, they all viewed the communications through the prism of friendship and loyalty towards Mr Leaning. Despite all the witnesses having had substantial safeguarding training, and some having accepted that some of the messages contained sexual innuendo, none were prepared to recognise the messages as potential signs of grooming behaviour. Whilst they accepted that people who exploit children are often trusted family friends, they were adamant that there was no possibility of this in Mr Leaning's case. It was apparent that they all wanted to protect Mr Leaning, even in the face of messages that were very clearly of a sexual nature and in an inappropriate context.

In these circumstances, the panel has placed little weight on these witnesses' evidence.

In conclusion, the panel is satisfied that it is more likely than not that Mr Leaning's conduct as set out in allegation 1 was sexually motivated, and therefore the panel has found this allegation 3 proven.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which will be referred to as "the Advice", as well as the Teachers' Standards.

The panel is satisfied that Mr Leaning's conduct involved breaches of the Teachers' Standards, in particular the following:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - 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... and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Given Mr Leaning's conduct of sexually motivated private communications with Pupil A over a significant period of time, the panel is satisfied that his conduct fell significantly short of the standards expected of the profession.

In accordance with the Advice, the panel has also considered whether Mr Leaning's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

The panel notes that the communications with Pupil A took place outside of the education setting, and in this case, misconduct will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way. In Mr Leaning's case, it is clear in the panel's view that sexually motivated communications with a 12-13 year old boy may lead to his being exposed to or influenced by Mr Leaning's behaviour in a harmful way.

Accordingly, the panel is satisfied that Mr Leaning is guilty of unacceptable professional conduct.

Turning to conduct that may bring the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and has considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

In the panel's view, Mr Leaning's conduct would have a negative impact on his status as a teacher, potentially damaging the public perception of the profession as a whole.

The panel therefore also finds that Mr Leaning's actions constitute conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, it is 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 do so, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. The panel is mindful 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 has considered the particular public interest considerations set out in the Advice and is of the view that the following are relevant:

- the protection of pupils: the panel is mindful that a prohibition order is not intended to be punitive in itself, and therefore a key consideration is whether pupils need protecting from Mr Leaning in the future. The panel notes that Mr Leaning has already taken some steps to ensure his behaviour is not repeated in the future, such as by removing himself from social media. Nevertheless, there is a public interest in the protection of pupils, given the nature of the findings against Mr Leaning.
- the maintenance of public confidence in the profession: the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Leaning were not treated with the utmost seriousness when regulating the conduct of the profession.
- declaring and upholding proper standards of conduct: in the panel's view, the conduct found against Mr Leaning is outside that which could reasonably be tolerated, and therefore there is a strong public interest in upholding proper standards of conduct.

Notwithstanding the clear public interest considerations that were present, the panel has 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 Leaning.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Leaning. The panel has taken further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. These behaviours include:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; and
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel has gone on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and

proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In Mr Leaning's case, the panel does not consider that he had been acting under duress or that his actions were not deliberate. However, the panel is satisfied that he has a previously good record, and indeed there was substantial evidence, from 11 witnesses from a wide range of aspects of his life, that he is an excellent teacher and an asset to the teaching profession.

Nevertheless, the panel does not consider that these mitigating factors are sufficiently strong as to justify a departure from the guidance set out in the Advice. Therefore, the panel is of the view that prohibition is both proportionate and appropriate in the circumstances. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has gone on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel has been mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. In Mr Leaning's case, whilst his actions were sexually motivated and fell significantly short of the standards expected of a teacher, the panel does not consider that they fell within the type of very serious behaviour envisaged by the Advice.

In addition, the panel notes that Mr Leaning admitted very early on that his communications were inappropriate and made Pupil A feel uncomfortable. In his interviews with the school's investigators in June 2014, he expressed regret over his actions and offered his apologies to Pupil A. The panel also recognises that Mr Leaning has been living with the uncertainty of the consequences of his actions since then, having gone through investigations by the school, the DBS and the police. These two years' pressure and anxiety would have been a very difficult time for Mr Leaning both personally and professionally.

He has also been suspended for approximately a year, and away from the teaching environment which he is clearly passionate about. In the panel's view, Mr Leaning is clearly a very talented and effective teacher, and it is in the profession's interests to allow him the opportunity to return to teaching.

Nevertheless, whilst Mr Leaning has begun his journey of self-reflection and learning since the communications came to light in 2014, the panel is of the view that he would

benefit from a further period of time to reflect and develop insight into his actions. During this time he should accept his true motivation behind his messages to Pupil A, establish measures to demonstrate that he is not a continuing risk to pupils, ensure he has a thorough understanding of safeguarding principles and appropriate boundaries, and demonstrate appropriate management of his social media activities. The panel considers that a period of 3 years would be appropriate and proportionate in all the circumstances to enable him to do this.

The panel therefore recommends a prohibition order with provision for a review period of 3 years.

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

I have given very careful consideration to this case and to the recommendations made by the panel in respect of both sanction and review period.

The panel has clearly given very careful thought to all of the allegations and the evidence and has found all the allegations made proven.

Mr Leaning's behaviours involved breaches of the Teachers' Standards, in particular the following:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - 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... and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also found that Mr Leaning's conduct of sexually motivated private communications with Pupil A was over a significant period of time and the panel is satisfied that his conduct fell significantly short of the standards expected of the profession.

I have considered the particular public interest considerations set out in the Advice and I am of the view that the following are relevant:

- the protection of pupils: The panel noted that Mr Leaning has already taken some steps to ensure his behaviour is not repeated in the future, such as by removing

himself from social media. Nevertheless, there is a public interest in the protection of pupils, given the nature of the findings against Mr Leaning.

- 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 Leaning were not treated with the utmost seriousness when regulating the conduct of the profession.
- declaring and upholding proper standards of conduct: in the panel's view, the conduct found against Mr Leaning is outside that which could reasonably be tolerated, and therefore there is a strong public interest in upholding proper standards of conduct.

I have taken into account the need to be proportionate and to balance the public interest and the interests of Mr Leaning.

I have also taken into account the panel's comments of the positive material that they considered and heard about Mr Leaning.

On balance, and for the reasons set out, I support the recommendation of the panel. Mr Leaning should be prohibited from teaching.

I turn now to the matter of a review period. Once again I have taken careful account of both the recommendation of the panel and the advice published by the Secretary of State.

The panel are clear that Mr Leaning is a very talented and effective teacher, and it is in the profession's interests to allow him the opportunity to return to teaching.

The panel also advise that Mr Leaning has begun his journey of self-reflection and learning since the communications came to light in 2014. However, the panel is of the view that Mr Leaning would benefit from a further period of time to reflect and develop insight into his actions. They argue that during this time he should accept his true motivation behind his messages to Pupil A, establish measures to demonstrate that he is not a continuing risk to pupils, ensure he has a thorough understanding of safeguarding principles and appropriate boundaries, and demonstrate appropriate management of his social media activities. The panel has recommended that a period of 3 years would be appropriate and proportionate in all the circumstances to enable him to do this.

I support that recommendation for the same reasons. In my view that is proportionate.

**This means that Mr Liam Leaning 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 11 May 2019, 3 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 Liam Leaning remains prohibited from teaching indefinitely.

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

Mr Liam Leaning 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 grey ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

**Decision maker: Alan Meyrick**

**Date: 4 May 2016**

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