

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mrs Amanda Bruce

Teacher ref no: 0158613

TA Case ref no: 0007681/MG/BRUCE

Date of Determination: 19th July 2012

Former Employer: Mayfield School, Hensingham, Whitehaven

A. Introduction

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on 17th-19th July 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Amanda Bruce.

The Panel members were Ms Jean Carter (Lay Panellist – in the Chair), Ms Gail Goodman (Professional Panellist) and Mr Kevin Nolan (Professional Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Lapthorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Lucy Alicea of Kingsley Napley Solicitors.

Mrs Amanda Bruce was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 14 March 2012.

It was alleged that Mrs Amanda Bruce was guilty of unacceptable professional conduct, in that whilst employed as a teacher at Mayfield School, Hensingham, Whitehaven between 1 January 2003 and 3 December 2009, she:

1. Handled pupil A in an inappropriate and aggressive manner, by:
 - a) holding his head near the water of the swimming pool, on 27 November 2008;
 - b) dragging him by the arm and throwing him, on 27 November 2008;
 - c) pushing him, on 27 November 2008;
 - d) shouting at him, on 27 November 2008;
 - e) physically handling him so that he fell over a chair, on an unknown date;
 - f) pushing him to the ground, on dates unknown;
 - g) grabbing him by his clothes, on dates unknown;

- h) shouting at him, on dates unknown;
- i) physically removing him from the classroom, on dates unknown;
- j) holding and/or pushing him down by the back of the neck, on dates unknown.

2. Handled pupil B in an inappropriate and aggressive manner, by:

- a) shouting at her, on 27 November 2008;
- b) repeatedly pushing her into an alcove, on 27 November 2008;
- c) throwing or kicking clothes at her, on 27 November 2008;
- d) dragging her, on 27 November 2008;
- e) throwing a shoe towards her, on 27 November 2008;
- f) dragging her across the ground whilst she was wearing no clothes, on a date unknown between September 2007 and February 2008;
- g) throwing her clothes at her and shouting at her to get dressed, on a date unknown between September 2007 and February 2008;
- h) forcibly dressing her, on a date unknown between September 2007 and February 2008.

3. Handled pupil C in an inappropriate and aggressive manner, by:

- a) shouting at him, on dates unknown;
- b) pushing him, on date unknown.

4. Handled pupil D in an inappropriate and aggressive manner, by:

- a) dragging her across the floor, on dates unknown;
- b) throwing her into furniture, on dates unknown;
- c) holding her down by her head, on a date unknown;
- d) picking her up by her handling belt, on dates unknown;
- e) digging fingers into her pelvic area, on an unknown date in 2008.

Mrs Bruce did not admit any of the allegations.

C. Summary of Evidence

Documents

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

- Section 1 – Anonymised pupil list – pages 1-2
- Section 2 – Notice of Proceedings and Response – pages 3-11
- Section 3 – Teaching Agency Statements – pages 12-45
- Section 4 – Teaching Agency Documents – pages 46-666

In addition, the Panel agreed to accept the following:

- i) A replacement page 129 due to a photocopying error with the original page 129.
- ii) Pages 667-669 – note of a meeting with Mrs Bruce on 21 April 2009 (signed by Mrs Bruce).
- iii) Pages 670-673 – further correspondence between Kingsley Napley Solicitors and Mr McDonald (representative).

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

Brief summary of evidence given

The Presenting Officer called the following witnesses to give live evidence:

i) Witness A (statement at pages 32-26 – joining the hearing by telephone). Senior Teaching Assistant who sometimes worked with Mrs Bruce in the playground or the classroom during the relevant period and witnessed some of the events referred to in the allegations.

ii) Witness B (statement at pages 42-45). Senior Teaching Assistant who worked full time in Mrs Bruce's classroom during the relevant period and witnessed some of the events referred to in the allegations.

iii) Witness C (statement at pages 37-41). Senior Teaching Assistant who worked full time in Mrs Bruce's classroom during the relevant period and witnessed some of the events referred to in the allegations.

D. Decision and Reasons

Findings of fact

It was alleged that Mrs Amanda Bruce was guilty of unacceptable professional conduct, in that whilst employed as a teacher at Mayfield School, Hensingham, Whitehaven between 1 January 2003 and 3 December 2009, she:

1. Handled pupil A in an inappropriate and aggressive manner, by :
 - a) holding his head near the water of the swimming pool, on 27 November 2008;
 - b) dragging him by the arm and throwing him, on 27 November 2008;
 - c) pushing him, on 27 November 2008;
 - d) shouting at him, on 27 November 2008;
 - e) physically handling him so that he fell over a chair, on an unknown date;
 - f) pushing him to the ground, on dates unknown;
 - g) grabbing him by his clothes, on dates unknown;
 - h) shouting at him, on dates unknown;
 - i) physically removing him from the classroom, on dates unknown;
 - j) holding and/or pushing him down by the back of the neck, on dates unknown.

2. Handled pupil B in an inappropriate and aggressive manner, by :
 - a) shouting at her, on 27 November 2008;
 - b) repeatedly pushing her into an alcove, on 27 November 2008;
 - c) throwing or kicking clothes at her, on 27 November 2008;
 - d) dragging her, on 27 November 2008;
 - e) throwing a shoe towards her, on 27 November 2008;
 - f) dragging her across the ground whilst she was wearing no clothes, on a date unknown between September 2007 and February 2008;
 - g) throwing her clothes at her and shouting at her to get dressed, on a date unknown between September 2007 and February 2008;

h) forcibly dressing her, on a date unknown between September 2007 and February 2008.

3. Handled pupil C in an inappropriate and aggressive manner, by :

- a) shouting at him, on dates unknown;
- b) pushing him, on date unknown.

4. Handled pupil D in an inappropriate and aggressive manner, by :

- a) dragging her across the floor, on dates unknown;
- b) throwing her into furniture, on dates unknown;
- c) holding her down by her head, on a date unknown;
- d) picking her up by her handling belt, on dates unknown;
- e) digging fingers into her pelvic area, on an unknown date in 2008.

Our findings of fact are as follows:

1 (a) – we find this particular not proved. We accept that pupil A was supported in the water by Mrs Bruce but we do not feel that this was proved to have been done in an inappropriate or aggressive way. The manner in which the pupil was held was appropriate for such a swimming lesson, as confirmed by the relevant witnesses.

1(b), (c) and (d) – we find these particulars proved. We find Mrs Usher to be a credible and reliable witness whose evidence was detailed. We are satisfied that the actions described in these particulars (which we find did happen) were inappropriate and aggressive.

1 (e), (f), (g), (h), (i), (j) – we find these particulars proved. These incidents were described, we believe credibly and reliably, by a number of witnesses (Witness C, Witness B, Individual A and Individual B) either by way of live evidence or hearsay evidence. We are satisfied that the behaviour described was inappropriate and aggressive.

2 (a) – we find this particular proved. Several witnesses described this event we believe in a credible and reliable way. We are satisfied that the action described was inappropriate and aggressive.

2 (b) – we find this particular not proved. While we are satisfied that repeated pushing took place we are not satisfied that there has been evidence presented that proves that repeated pushing took place into an alcove. We form the view that on the basis of the evidence the repeated pushing may well have taken place elsewhere and later in this incident.

2 (c), (d), (e), (f), (g), (h) – we find these particulars proved. We find the evidence of Judith Usher in relation to these incidents to be credible and reliable. We are satisfied that the behaviour described was inappropriate and aggressive.

3 (a), (b) – we find these particulars proved. These incidents were described, we believe credibly and reliably, by a number of witnesses either by way of live evidence or hearsay evidence. We are satisfied that the behaviour described was inappropriate and aggressive.

4 (a), (b), (c), (d) – we find these particulars proved. These incidents were described, we believe credibly and reliably, by more than one witness either by way of live evidence or hearsay evidence. We are satisfied that the behaviour described was inappropriate and aggressive.

4 (e) – we find this particular not proved. We cannot be satisfied on the balance of probabilities that Mrs Bruce dug her fingers into the pupil's pelvic area. There is only one witness to this event and the lack of context to the description of the event makes us unable to be satisfied on the balance of probabilities that, even if such an event took place, it was inappropriate behaviour on Mrs Bruce's part.

Findings as to Unacceptable Professional Conduct

We find Mrs Bruce guilty of unacceptable professional conduct. The proved facts, in our view, indicate misconduct of a serious nature and conduct that falls significantly short of the standard of behaviour expected of a teacher.

There have been repeated and numerous examples demonstrated of inappropriately aggressive behaviour towards vulnerable pupils. The proved behaviour demonstrates various breaches of the GTC's Code of Conduct and the Department's Teaching Standards.

Mrs Bruce has failed to put the well-being, development and progress of children and young people first. She repeatedly failed to take all reasonable steps to ensure the safety and well-being of children and young people under her supervision. She did not follow the school's child protection policies and procedures.

In addition, Mrs Bruce failed to act appropriately towards children whatever their disability. She failed to take responsibility for complying with school policies. She failed to help create a fair and inclusive school environment. She failed to take steps to improve the well-being, development and progress of pupils with special needs. Indeed she did the opposite by behaving towards in pupils in the inappropriate and aggressive way in which she did.

Mrs Bruce failed to uphold public trust and confidence in the teaching profession. She failed to understand and act upon her duty to safeguard children in her care.

Panel's Recommendation to the Secretary of State

In considering the issue of prohibition we form the view that there are no significant mitigating circumstances put forward by Mrs Bruce.

We recommend the imposition of a prohibition order in Mrs Bruce's case. We believe that a prohibition order is a proportionate measure in this case and required in order to protect pupils, to declare and uphold proper standards in the teaching profession and to maintain public confidence in the teaching profession.

In this case, on the basis of the proved particulars of fact, Mrs Bruce has demonstrated repeated examples of:

- i) Abuse of her position of trust by way of the violation by her of the rights of vulnerable pupils;
- ii) Serious departures from the personal and professional conduct elements of the latest teachers' standards (as referred to above in our decision and reasons concerning the issue of UPC);
- iii) Misconduct that seriously affects the education and well-being of pupils, particularly with regard to pupils where there is a continuing risk;
- iv) A deep-seated attitude problem that leads to harmful behaviour towards vulnerable pupils;
- v) Sustained deliberate behaviour that undermines the school, the profession and colleagues.

Mrs Bruce's behaviour is considered by us to be incompatible with being a teacher, particularly as it was deliberate and not brought about by duress and was repeatedly aimed at vulnerable pupils.

In this case, we recommend that the prohibition order be imposed without limit of time and that it should therefore apply for life.

We believe that, in this most unfortunate set of circumstances, Mrs Bruce created an environment within her classroom where others, both pupils and support staff, were unable to express their feelings and opinions. This resulted in young people's welfare and education being seriously threatened, and other school staff being placed at serious risk.

Secretary of State's Decision and Reasons

I have considered this case very carefully. The Panel has given detailed attention to a number of lead and sub allegations and it has carefully set out the facts that it has found proven and those that it has not found proven.

The Panel has also been very clear that where it has found facts proven, these facts amount to unacceptable professional conduct.

It is clear that Mrs Bruce's conduct amounts to a serious departure from the standards expected of a teacher. The behaviours were exhibited frequently, repeatedly and often against vulnerable pupils. The Panel also identified that her behaviour was a serious abuse of trust.

I have therefore considered carefully the Panel's findings and its recommendation. Such serious departures from the standards, in my view, justify prohibition and I support the recommendation of the Panel.

In considering whether a review period should apply I have taken into account in particular the very serious nature of this misconduct and the fact that it was targeted at vulnerable pupils and was repeated. I therefore support the recommendation that there be no review period.

This means that Mrs Amanda Bruce 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 her, I have decided that Mrs Amanda Bruce shall not be entitled to apply for restoration of her eligibility to teach.

This Order takes effect from the date on which it is served on the Teacher.

Mrs Amanda Bruce has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

Date: 19 July 2012