

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher:	Mr Ravinder Singh Bhandal
Teacher ref no:	0250765
Teacher date of birth:	23 December 1965
TA Case ref no:	8710
Date of Determination:	22 March 2013
Former Employer:	Rushey Mead School/Local Authority Name Leicester

A. Introduction

A Professional Conduct Panel ("the Panel") of The Teaching Agency convened on 17 December 2012 and 22 March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Ravinder Singh Bhandal.

The Panel members were Dr David Longson (Teacher Panellist– in the Chair for the 17 December 2012), Mrs Kathy Thomson (Teacher Panellist – in the Chair for 22nd March 2013) and Mr William Brown OBE (Lay Panellist).

The Legal Adviser to the Panel was Stephen Murfitt of Blake Lapthorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Louisa Atkin of Browne Jacobson Solicitors.

Mr Ravinder Singh Bhandal was present but 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 9 August 2012.

It was alleged that Mr Ravinder Singh Bhandal was guilty of unacceptable professional conduct , in that:

1. Whilst employed at Rushey Mead School, Leicester, between 2003 and 2010, Mr Bhandal;
 - a. behaved in an inappropriate manner towards Student C on 19 March 2010;

- b. supplied cigarettes and/or alcohol and/or cannabis to students in 2010;
- c. failed to maintain appropriate professional boundaries in his relationship with Student A in 2010, including that Mr Bhandal;
 - i. gave Student A lifts in his car on more than one occasion;
 - ii. hugged Student A on more than one occasion;
 - iii. on 18 June 2010, drove Student A back to his home and allowed her to sleep there without the consent or knowledge of her parents;
- d. acted in an inappropriate manner towards Student B, in that Mr Bhandal;
 - i. met her in Leicester city centre outside of school hours;
 - ii. gave 'parental consent' for her to have a tummy piercing without her parents' knowledge.

Mr Bhandal admitted the facts set out at paragraph 1c of the Notice of Proceedings, but denied the facts set out at paragraphs 1a, b & d.

Mr Bhandal denied unacceptable professional conduct.

C. Preliminary Applications

There were no preliminary applications.

D. 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 - 4
Section 2	Notice of Proceedings & Response	Pages 6 - 12
Section 3	Witness Statements	Pages 14 - 23
Section 4	Teaching Agency Documents	Pages 25 - 189

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

Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Panel gave careful consideration to the submissions made by the Presenting Officer and Mr Bhandal.

The Panel heard evidence from Witness A, the Head Teacher of Rushey Mead School in Leicester. Witness A was appointed the Head Teacher in August 2003 and remains the Head Teacher of the School. The Panel accepted her written witness statement at pages 14 to 23 of the hearing bundle.

Witness A gave evidence that there had been concerns raised about Mr Bhandal's conduct towards students on more than one occasion since his appointment in 2003 and the beginning of 2010. Mr Bhandal received an oral warning in November 2009 because, when on a trip with students to London, he allowed students to wander around the City unaccompanied.

Witness A informed the Panel that Mr Bhandal had acted inappropriately towards Student C on the 19 March 2010. In the subsequent School investigation, Mr Bhandal admitted to Witness A that he had grabbed Student C's arm and had brought him into the classroom. Mr Bhandal denied using any offensive language. The incident was considered by a School Disciplinary Panel at a hearing on the 4 May 2010, when the Disciplinary Panel determined that Mr Bhandal should be issued with a written warning for inappropriate behaviour towards a student and a failure to follow school policies. The written warning was for a period of 12 months.

Witness A gave evidence to the Panel of further incidents which occurred on the 19 June 2010, which was the evening of the Year 11 School Prom. As a consequence of an investigation undertaken at the School, a number of students informed the School that Mr Bhandal had supplied them with cigarettes and/or alcohol and/or cannabis.

Witness A gave evidence with regard to what the School considered to be a failure on the part of Mr Bhandal to maintain appropriate professional boundaries with Student A in 2010. Witness A said that Mr Bhandal had given Student A lifts in his car, on more than one occasion, and had admitted hugging Student A on one occasion. The most serious breach of professional boundaries took place on the 18 June 2010 when Mr Bhandal drove Student A back to his home and allowed her to sleep there without the consent or knowledge of her parents. In discussions with Mr Bhandal, following the incident, he admitted to the facts of that allegation.

Witness A gave evidence to the Panel that the School had investigated an incident when Mr Bhandal had acted in an inappropriate manner towards Student B. Mr Bhandal had met Student B in Leicester City Centre, outside of School hours and had accompanied her to a piercing agency. Witness A told the Panel that Mr Bhandal said that he had happened to meet Student B in Leicester City Centre and had gone with her when she went to a get a piercing. Witness A told the Panel that Mr Bhandal admitted to signing something in the studio, but he didn't read what he had signed and did not admit to giving "parental consent".

Witness A told the Panel that a Disciplinary meeting had taken place at the School on the 24 November 2010 and that she had presented the case for the Management. Mr Bhandal was found guilty of gross misconduct and was dismissed from the School. A subsequent appeal by Mr Bhandal against his dismissal was upheld by the Disciplinary Appeal Panel.

Mr Bhandal gave evidence. In relation to the allegations stated at paragraph 1a of the Notice of Proceedings, Mr Bhandal said that a number of students stood outside his classroom, banging on the windows and making rude gestures. The door of his classroom was opened and a profanity was shouted including the word "bumhole". Mr Bhandal said that Student C and others came in and used appalling language towards Mr Bhandal. Mr Bhandal said that he grabbed Student C by the bag and, "screwed at him". Mr Bhandal was very angry at the incident. He could not understand why other witness statements had not been taken from those who were present.

In relation to the allegation of supplying cigarettes and/or alcohol and/or cannabis to students, Mr Bhandal denied the allegation. He told the Panel that there were a number of students at the School who were known drug users and that the School did little or nothing about it. Mr Bhandal said everybody was aware that certain students were on drugs and they were sometimes drunk at lunchtime.

As to allegation 1c, Mr Bhandal admitted that he gave Student A lifts in his car on more than one occasion. Mr Bhandal said that he had hugged her on one occasion, namely when she had obtained a grade C in an examination at School.

Mr Bhandal said he was at the School concert on the 18 June 2010 and was preparing to go home in his car. Student A got into his car and told him to, "just drive". Mr Bhandal said that, "like an idiot" he did that and took her to his parents' house. Student A slept in his bed and Mr Bhandal slept on a couch in the lounge. Mr Bhandal took her home the next day. It was, Mr Bhandal said, the "worst mistake of my life" and he confirmed that he was suspended at School on the following Monday.

In relation to Student B, Mr Bhandal said that *"he was in the wrong place at the wrong time"*. Mr Bhandal said he met Student B in Leicester and that he decided to go with her to achieve a piercing. Mr Bhandal denied that he gave any consent on behalf of Student B. Mr Bhandal also suggested that it was not her tummy that was pierced but her tongue.

Mr Bhandal made application to the Panel for Student A to give evidence. Having considered the representations of the Presenting Officer and Mr Bhandal and having taken advice from the Legal Adviser the Panel determined as follows:

"We have considered Rule 4.70 of our procedures. We have decided that Student A is a vulnerable witness. There is evidence in the hearing bundle to support this conclusion. We have considered the handwritten statement prepared by Student A today. In accordance with Rule 4.71 we have decided that when Student A gives evidence the following will apply:

1. *Student A will continue to be called Student A;*

2. *Evidence will be given in private."*

Student A then gave evidence in private in accordance with her handwritten statement.

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.

Mr Bhandal was employed as an Art Teacher at Rushey Mead School, Leicester from August 2003 until November 2010. The allegation made against Mr Bhandal is one of unacceptable professional conduct. It is alleged that he failed to maintain appropriate professional boundaries towards Student A and behaved in an inappropriate manner towards Students B and C.

Findings of Fact

The Notice of Proceedings dated the 9 August 2012 made an allegation of unacceptable professional conduct in that Mr Bhandal:

1. Whilst employed at Rushey Mead School, Leicester, between 2003 and 2010, Mr Bhandal;
 - a. behaved in an inappropriate manner towards Student C on 19 March 2010;
 - b. supplied cigarettes and/or alcohol and/or cannabis to students in 2010;
 - c. failed to maintain appropriate professional boundaries in his relationship with Student A in 2010, including that Mr Bhandal:
 - i. gave Student A lifts in his car on more than one occasion;
 - ii. hugged Student A on more than one occasion;
 - iii. on 18 June, drove Student A back to his home and allowed her to sleep there without the consent or knowledge of her parents;
 - d. acted in an inappropriate manner towards Student B, in that Mr Bhandal;
 - i. met her in Leicester city centre outside school hours;
 - ii. gave 'parental consent' for her to have a tummy piercing without her parents' knowledge.

Mr Bhandal admitted that the facts of allegation 1c were true save that he only hugged Student A on one occasion. He told the Panel that the facts of allegations 1a, 1b and 1d were not admitted by him.

We have heard oral evidence from Witness A the Headteacher of Rushey Mead School, Leicester. Witness A has been in post as Headteacher since August 2003 to the present date. Mr Bhandal, who has not been represented, gave evidence to us.

Mr Bhandal made an application to the Panel for student A to give evidence. We decided that Student A was a vulnerable witness and agreed to admit from her a hand written statement that had been produced on the day of the hearing (17th December 2012) with some assistance from the Legal Adviser. Student A gave evidence and answered questions.

Our findings of fact by reference to the particulars set out in the Notice of Proceedings are as follows:

1a. Behaved in an inappropriate manner towards Student C on the 19 March 2010.

Mr Bhandal, in answer to the Chair, denied this allegation. In evidence Mr Bhandal admitted that on the 19 March 2010 he was angry and that he grabbed the bag of Student C. By grabbing the bag Mr Bhandal, 'turned him round'. He said he, 'screwed' Student C. We understand that he meant by that expression that he told him off and that he knew he was serious. Student C was aware he should not do it again. Mr Bhandal also told us that his actions were designed to make the pupil feel belittled in that he tried to make the pupil feel small. It may be that a number of students were behaving badly on the 19 March 2010, but we have decided that his response was inappropriate towards Student C. We have decided that the facts admitted in evidence by Mr Bhandal are sufficient to prove this allegation.

We have received evidence that Mr Bhandal swore when these events were taking place and Mr Bhandal denies that he did so. We do not need to decide this aspect of the evidence, given our earlier finding.

The Panel is satisfied on the evidence before us that this allegation is proved.

1b. supplied cigarettes/alcohol/cannabis to students in 2010.

Mr Bhandal, in answer to the Chair, denied this allegation.

The Presenting Officer relies on the hearsay evidence of students A, B, D, E, F and G that was given both to the school and to the police. Their statements are contained within our hearing bundle. Mr Bhandal challenged the evidence of all of the students and denied that he had acted in the manner alleged. He was very clear that he would never supply cigarettes, alcohol and cannabis to students. This is a serious allegation and we are not satisfied that on the balance of probabilities that this allegation has been proved.

The Panel does not find this allegation proved.

1c. failed to maintain appropriate professional boundaries with Student A

- 1ci. Gave Student A lifts in your car
- 1cii. Hugged Student A on more than one occasion.
- 1ciii. Allowed Student A to sleep at your home.

Mr Bhandal admitted that the particulars of allegation 1c were true save that he did not hug Student A on more than one occasion. In evidence before the Panel he accepted that he had hugged her on one occasion when Student A had been awarded a grade C.

Mr Bhandal accepted in evidence that he had given Student A lifts in his car. Mr Bhandal explained, in some detail, the events that led him to drive Student A to his home and allowed her to sleep there in circumstances when her parents neither consented nor were aware that Mr Bhandal had taken her to his home.

Student A in evidence before the Panel explained her personal difficulties on the 18 June 2010 and the circumstances which led up to Mr Bhandal driving her to his home. She confirmed that she stayed the night at his home. She slept in Mr Bhandal's bedroom and he slept on a couch in the living room. Mr Bhandal drove her to her parents' house the following day.

We accept the evidence of Mr Bhandal and Student A that only one hug had taken place and that there was no further hugging.

We therefore find the particulars i, ii, iii proved, save that in relation to particular ii we find that hugging only took place on one occasion.

The Panel find the facts of allegation 1c proved.

1d. Acted in an inappropriate manner towards Student B

- 1di. Met her in Leicester City Centre
- 1dii. Gave 'parental consent ' for Student A to have a tummy piercing.

Mr Bhandal accepted in evidence that he met Student B in Leicester and that he was, 'in the wrong place at the wrong time'. We are satisfied on the evidence that he accompanied Student B to the piercing agency in Leicester. We are satisfied on the evidence that Mr Bhandal did sign the consent form that was necessary for the piercing to take place. Mr Bhandal told us that he signed a piece of paper but he was not aware of the contents.

Mr Bhandal told us that it was tongue piercing that took place and not tummy piercing. However, we do not consider it necessary to make a finding as to the

particular place on the body where the piercing took place. We are satisfied that Mr Bhandal did provide consent for piercing to take place in relation to Student B.

The Panel find this allegation proved.

Findings as to Unacceptable Professional Conduct

We are satisfied that the conduct of Mr Bhandal in relation to the facts that we have found proved involved a breach of Teachers' Standards. We consider that by reference to part 2 of the Teachers' Standards Mr Bhandal is in breach of the following standards:

- Treating pupils with dignity, building relationships rooted in mutual respect, and all times observe proper boundaries appropriate to a teacher's professional position.
- Having regard for the need to safeguard pupils well-being in accordance with statutory provision.
- Teachers must have an understanding of, and always act within the statutory frameworks which set out their professional duties and responsibilities.

We are satisfied that the conduct of Mr Bhandal fell significantly short of the standards expected of the teaching profession.

Accordingly, we are satisfied that Mr Bhandal is guilty of Unacceptable Professional Conduct.

Panel's Recommendation to the Secretary of State

We have carefully considered matters of mitigation that were advanced by Mr Bhandal. In particular, Mr Bhandal told us that he had worked hard to be a teacher, and that in his school he had achieved the best results ever.

In considering the question of whether to recommend to the Secretary of State that a Prohibition Order should be made we have to consider whether it is a proportionate measure, and if it is in the public interest to do so. 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 a punitive effect.

We have considered the public interest and in particular:

- The protection of children and other members of the public;
- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

We have considered the advice on Teachers' Misconduct in relation to the Prohibition of Teachers and have concluded that the following is relevant:

- Serious departure from the personal and professional conduct elements of the latest teacher standards, as published by, or on behalf of, the Secretary of State.
- Misconduct seriously affecting the well being of pupils.
- Abuse of position/trust (particularly involving a vulnerable pupil) or violation of the rights of pupils.

We are mindful of our obligation to consider the future protection of children, and the need to balance the interests of Mr Bhandal with those of the public interest.

With regard to the public interest we do not consider that Mr Bhandal fully understands his obligations as a teacher. He has shown no remorse for his actions, and shows little understanding of his actions upon pupils or parents. The Panel has little confidence that he has learnt from this experience or that he has capacity to change in the future. He failed to react to warnings issued by the school as to his conduct and the Panel is not satisfied that he has learnt from these current proceedings. All of these matters impact significantly on the protection of children, public confidence, and the reputation of the profession.

The panel is mindful of the interests of Mr Bhandal. We have taken into account his efforts to become a teacher and the results he achieved within his school. He found teaching to be a rewarding profession and he does not want all his experience and talent to go to waste.

In carrying out the balancing exercise we have decided that the facts that we have found proved require us to decide that public interest considerations outweigh the interests of Mr Bhandal. Accordingly a consideration of the public interest requires us to make a recommendation to the Secretary of State that a Prohibition Order should be imposed.

Prohibition Orders are for life. We have heard evidence from Mr Bhandal that he is a good teacher with exceptional results. We have decided after some reflection that given time, Mr Bhandal may have a greater understanding of the need to demonstrate clear and unequivocal insight into the misconduct that has brought him to this Panel. In these circumstances we make a recommendation to the Secretary of State that he should allow a review following a period of five years.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case. I have considered the findings of the panel and their recommendation in respect of prohibition. I have also given careful consideration to the recommendation of the panel in respect of a review period.

Mr Bhandal has been found guilty of unacceptable professional conduct. His behaviour was such that he failed to treat pupils with dignity and he failed to build relationships rooted in mutual respect. He did not observe proper boundaries. He also failed to safeguard pupils' well-being.

Mr Bhandal's conduct is a serious departure from the standard of conduct expected of a teacher. I therefore support the recommendation of the panel that Mr Bhandal is prohibited from teaching. In taking this decision I have considered the public interest and the interests of Mr Bhandal. I have also considered whether this is proportionate.

Mr Bhandal does not appear to have shown insight into his behaviour nor remorse. His failures to respond to warnings about his behaviour mean that there is a risk that he will continue to behave in this way.

However, I have taken into account the positive elements that the panel identified and on balance I have agreed that Mr Bhandal should be allowed a review period. I support the recommendation of the panel that a five year review period will allow Mr Bhandal time to reflect on his behaviour and show insight.

This means that Mr Ravinder Bhandal 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 4 April 2018, five years from the date of this order at the earliest. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Ravinder Bhandal remains barred from teaching indefinitely.

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

Mr Ravinder Bhandal 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: Alan Meyrick
DATE: 25 March 2013