



Teaching
Regulation
Agency

Mr Graeme Bell: Professional conduct panel meeting outcome

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

December 2019

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

Teacher:	Mr Graeme Bell
Teacher ref number:	0153671
Teacher date of birth:	26 February 1972
TRA reference:	18068
Date of determination:	6 December 2019
Former employer:	Cowes Enterprise College, Isle of Wight

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 December 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Graeme Bell.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Mrs Ann Walker (former teacher panellist) and Professor Ian Hughes (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Graeme Bell that the allegation be considered without a hearing. Mr Bell provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Bell or his representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

The panel was aware of a variety of issues concerning the Notice of Meeting and the wording of the allegations in the paperwork issued by the TRA. The panel also received copies of correspondence between the TRA and Mr Bell's representative and a documented agreement to proceed on the planned date. This was on the basis of the allegations in the Notice of Meeting dated 5 December 2019 and the Statement of Agreed Facts dated 19 October 2019.

The panel noted a variety of matters that were contained within the bundle were not directly related to the allegations under consideration. The panel disregarded these matters in its decision-making.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 5 December 2019.

It was alleged that Mr Graeme Bell was guilty of unacceptable professional conduct and/or had been convicted, at any time, of a relevant criminal offence in that:

1. In relation to an offence against Pupil B which occurred on or around 2 July 2018 and whilst he was employed as a teacher at Cowes Enterprise College in the Isle of Wight, he:

- a. was convicted at the Isle of Wight Magistrates' Court on or around the 17th January 2019 of assault by beating (battery) contrary to the Criminal Justice Act 1988 s.39 and he was sentenced to a community order with a 100 hour unpaid work requirement, to pay a Victim Surcharge of £85 and to pay Court costs of £400.

Mr Bell admitted the alleged facts.

Mr Bell also admitted that his conduct amounted to unacceptable professional conduct and that he had been convicted of a relevant offence.

Summary of evidence

Documents

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

Section 1: Notice of Referral, Response, Interim Prohibition Order Notice and Notice of Meeting – pages 2 to 10

Section 2: Statement of Agreed Facts and Presenting Officer submissions – pages 11 to 16

Section 3: Teaching Regulation Agency documents – pages 18 to 211

Section 5: Teacher documents – pages 213 to 215

In addition, the panel agreed to accept the following:

- Notice of Meeting dated 5 December 2019 – pages 216 to 217
- Copies of an exchange of emails between the TRA and Mr Bell's representative relating to the revised Notice of Meeting – pages 218 to 227

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and the additional documents at the beginning of the meeting.

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts which was signed by Mr Bell on 19 October 2019.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Bell for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Graeme Bell commenced employment at Cowes Enterprise College ("the School") in January 2006 as a science teacher.

Between 2 July 2019 to 3 July 2018, Mr Bell attended a Year 7 residential trip at Corf Camp, which is a campsite in the Isle of Wight. On 2 July 2018, at approximately 6pm, Mr Bell was involved in a physical altercation with Pupil A and Pupil B. Subsequently, Mr Bell was charged with assaulting Pupil B contrary to Section 39 of the Criminal Justice Act 1988.

On 23 October 2018, he pleaded not guilty to this charge.

On 17 January 2019, he was found guilty of the offence at the Isle of Wight Magistrates' Court. Mr Bell was sentenced to a 12 months' Community Order with a requirement to undertake 100 hours of compulsory unpaid work. He was also ordered to pay £400 court costs and an £85 Victim Surcharge.

Findings of fact

The findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or have been convicted, at any time, of a relevant offence in that:

1. In relation to an offence against Pupil B which occurred on or around 2 July 2018 and whilst you were employed as a teacher as Cowes Enterprise College in the Isle of Wight, you:

- a. Were convicted at the Isle of Wight Magistrates' Court on or around the 17th January 2019 of assault by beating (battery) contrary to the Criminal Justice Act 1988 s.39 and you were sentenced to a community order with a 100 hour unpaid work requirement, to pay a Victim Surcharge of £85 and to pay Court costs of £400.**

Mr Bell admitted that he was found guilty of the offence of assaulting Pupil B by beating (battery) contrary to section 39 of the Criminal Justice Act 1988. Mr Bell also admitted that the offence contrary to section 39 of the Criminal Justice Act 1988 is committed when a person intentionally or recklessly applies unlawful force to another. Mr Bell also acknowledged the victim of the offence was Pupil B and that the offence took place during the course of a School trip.

In addition to Mr Bell's admission and the Statement of Agreed Facts, the panel was provided with a copy of the memorandum of conviction from the Isle of Wight Magistrates' Court, which the panel was advised could be treated as conclusive proof of the commission of the offence to which it relates.

The panel found allegation 1a proved.

Findings as to unacceptable professional conduct and/or conviction of a relevant offence

Mr Bell admitted that his conduct amounted to unacceptable professional conduct and that his conviction was for a relevant offence. The panel took these admissions into account but made its own determination.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Bell in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Bell was in breach of the following standards:

- 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
 - showing tolerance of and respect for the rights of others

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach,...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Bell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Bell's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of violence was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Mr Bell was guilty of unacceptable professional conduct.

The panel noted that Mr Bells' actions were relevant to teaching, working with children and working in an education setting. The offence for which Mr Bell was convicted took place whilst undertaking the duties of a teacher and related to a pupil.

The panel noted that the behaviour involved in committing the offence had an impact on the safety of Pupil B. The conduct was also witnessed by other pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Bell's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the behaviour ultimately led to conviction and sentence of a Community Order requiring him to undertake 100 hours of compulsory unpaid work. He was also ordered to pay £400 court costs and an £85 Victim Surcharge. This sentence was indicative of the seriousness of the offence committed.

This was a case involving an offence of violence, which the Advice states is likely to be considered a relevant offence.

The panel took into account the mitigation offered by Mr Bell, which included contextual information relating to the day that the offence took place. However, the panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conviction of a relevant offence, it was 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 recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the protection of pupils given the conviction for assaulting Pupil B by beating (battery).

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bell were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Bell was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Bell. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the... well-being of pupils, and particularly where there is a continuing risk;
- abuse of position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- the commission of a serious criminal offence,...that resulted in a conviction...

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel accepted that Mr Bell's actions were not pre-mediated, but involved a loss of emotional control at the point at which the offence was committed.

There was no evidence to suggest that Mr Bell was acting under duress. There were no previous regulatory findings against him. The panel has not been provided with any up to date references or testimonials.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Bell of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Bell. The nature of the conviction was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states 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 proved, would militate against the recommendation of a review period. One of these behaviours included violence inflicted on a pupil.

The panel noted that Mr Bell pleaded not guilty and was found guilty following a trial in the Isle of Wight Magistrates' Court. Following this, his witness statement dated 20 October 2019 shows the development of some insight, including stating that he has 'learned a lesson from this incident' and he has expressed regret for his actions.

However, the panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Bell should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Bell is in breach of the following standards:

- 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
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach,...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied "that the conduct of Mr Bell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The panel also considered whether Mr Bell's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel "found that the offence of violence was relevant."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Bell, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “The panel noted that the behaviour involved in committing the offence had an impact on the safety of Pupil B. The conduct was also witnessed by other pupils.”

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “his witness statement dated 20 October 2019 shows the development of some insight, including stating that he has 'learned a lesson from this incident' and he has expressed regret for his actions.”

I have therefore given this element considerable weight in reaching my final decision, especially concerning review.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, “considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bell were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of violence in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as

being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Bell himself. The panel say that it, “accepted that Mr Bell's actions were not pre-mediated, but involved a loss of emotional control at the point at which the offence was committed.”

A prohibition order would prevent Mr Bell from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

The panel also say that, “There were no previous regulatory findings against him. The panel has not been provided with any up to date references or testimonials.”

I have given less weight in my consideration of sanction to the contribution that Mr Bell has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.”

I have considered whether a no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the finding of a violent offence against a pupil, the fact that the offence took place in an education setting and the lack of complete insight or remorse.

I consider however that a four year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Graeme Bell 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 10 December 2023, 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 Graeme Bell remains prohibited from teaching indefinitely.

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

Mr Graeme Bell 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 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 10 December 2019

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