



National College for  
Teaching & Leadership

# **Mr Rowan Overeynder: Professional conduct panel outcome**

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

**June 2017**

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

**Teacher:** Mr Rowan Overeynder

**Teacher ref number:** 9738809

**Teacher date of birth:** 19 January 1963

**NCTL case reference:** 15023

**Date of determination:** 14 June 2017

**Former employer:** St. Stephens Church of England Primary School, Bath

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened from 12 June 2017 to 14 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Rowan Overeynder.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Ms Karen McArthur (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland International LLP.

The presenting officer for the National College was Mr Peter Lownds of 2 Hare Court, briefed by CMS LLP.

Mr Rowan Overeynder 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 2 February 2017.

It was alleged that Mr Rowan Overeynder was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he failed to maintain appropriate professional standards and/or appropriate professional boundaries in that whilst working as a teacher at St. Stephens Church of England Primary School (“the School”) between September 2002 and July 2015 he:

1. Created an inappropriate classroom ethos including bullying and humiliating behaviour towards pupils;
2. His behaviour in the classroom caused pupils to feel scared and/or upset;
3. In respect of Pupil A he engaged in inappropriate physical contact including stroking and/or touching her hair and/or her head and/or placing his arm around her and/or hugging her;
4. In relation to Pupil B he grabbed him by the cheek to remove him from under the table.

The above allegations have not been admitted.

## **C. Preliminary applications**

### **Proceeding in absence**

As Mr Overeynder was not in attendance, the panel considered whether the hearing should continue in his absence.

The panel noted that the National College served the Notice of Proceedings by DX on 2 February 2017. Mr Overeynder’s legal representative responded to the Notice of Proceedings on 23 February 2017.

Having considered the factual evidence before it, the panel was satisfied that National College had complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012.

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, (“the Procedures”).

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. The panel also understood the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. As noted above, Mr Overeynder had more than 8 weeks' notice of the hearing date and in fact responded to the Notice of Proceedings on 23 February 2017. It was apparent to the panel that Mr Overeynder was aware of these proceedings. Furthermore, in a letter from Mr Overeynder's legal representative dated 18 May 2017, it was stated that Mr Overeynder did not propose to attend the hearing nor did he propose to be represented. This was confirmed in his letter to the panel dated 21 May 2017 and in a further email from his legal representative dated 7 June 2017, where he requested that the hearing continue in his absence. In addition, there was no indication that an adjournment would result in the teacher attending the hearing and Mr Overeynder also indicated that he did not wish to be legally represented at the hearing. The panel therefore considered that Mr Overeynder had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. However, the panel had the benefit of written representations made by Mr Overeynder and was able to ascertain the lines of defence. The panel had his evidence addressing mitigation and was able to take this into account at the relevant stage. The panel noted that the witnesses relied upon were to be called to give evidence and the panel would test that evidence in questioning those witnesses, considering such points as are favourable to Mr Overeynder, as are reasonably available on the evidence. The panel noted that the hearing bundle had been agreed between the parties and it had not identified any significant gaps in the documentary evidence provided to it. Should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Overeynder's account.

The panel also noted that there were number of witnesses present at the hearing, who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher was of prime importance. However, it considered that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of the hearing continuing.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Proceedings and response – pages 4 to 11

Section 3: NCTL witness statements – pages 12 to 46

Section 4: NCTL documents – pages 47 to 222

Section 5: Teacher documents – pages 223 to 320

In addition, the panel agreed to accept the following:

Section 6: Proceeding in absence correspondence with teacher – pages 321 to 324

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

### **Witnesses**

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Pupil A, former pupil at the School;
- Pupil B, former pupil at the School;
- Pupil D, former pupil at the School;
- Parent X, parent of Pupil B;
- Parent Z, parent of Pupil D;
- Witness A, class teacher at the School;
- Witness B, teaching assistant at the School; and
- Witness C, headteacher at the School.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Mr Rowan Overeynder began his employment at St. Stephen's Church of England Primary School in September 2002. During his time at the School, he allegedly created an inappropriate classroom ethos including bullying and humiliating behaviour towards pupils.

In the academic year 2013 to 2014, Mr Overeynder allegedly engaged in inappropriate physical contact with Pupil A and grabbed Pupil B by the cheek whilst removing him from under a table.

In October 2014, Mr Overeynder was advised that allegations about his conduct were being investigated and he attended an investigation meeting on 23 March 2015. A disciplinary meeting took place on 15 July 2015 and he ceased his employment with the School thereafter.

### **Findings of fact**

The panel's findings of fact are as follows:

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

The panel was very impressed with the evidence it heard from those witnesses who gave oral evidence before it. The panel considered their evidence to be credible, sincere, consistent and accurate. It did not consider that their evidence was tainted by any improper motive or a desire to embellish. Accordingly, the panel felt it could give more weight to the evidence of the witnesses who gave oral evidence than those who did not provide oral evidence.

#### **1. Created an inappropriate classroom ethos including bullying and humiliating behaviour towards pupils;**

Mr Overeynder denied this allegation.

The panel had regard to the evidence of Witness B, a teaching assistant who worked in Mr Overeynder's class over two academic years (redacted). Initially, Witness B had concerns that Mr Overeynder, "appeared to pick on certain children ... by making them stand up whilst he shouted at them". When she returned to his class in (redacted), she noted that "Mr Overeynder started to return to his old behaviour where he would pick on certain pupils and humiliate them". In her oral evidence she said that he "belittled the

children” and provided examples of his behaviour. She noted that Mr Overeynder would treat certain children differently, picking on the “non-sporty and shy” pupils.

Similar behaviour was reported by Individual D, who was also a teaching assistant in Mr Overeynder’s class in (redacted). She stated Mr Overeynder would pick on certain pupils and would also belittle other pupils in front of the whole class. The panel were mindful that Individual D’s evidence was hearsay evidence. Accordingly, hearsay evidence will usually carry less weight than evidence which has been tested. However, there was no rule of law that prevents the panel from relying upon hearsay solely or to a decisive degree, if it was satisfied with the strength of that evidence. As her evidence corroborated the evidence provided by those witnesses who appeared before it, the panel was satisfied with the strength of this evidence and attached appropriate weight to it.

The panel also had regard to the written evidence of Pupils A, B and D who corroborated the evidence of Witness B and Individual D. Furthermore, they went on to describe the occasions upon which they felt Mr Overeynder was acting in a bullying or humiliating manner towards them; this included, but was not limited to, the following examples:

- Telling Pupil D, in front of the entire class, that his handwriting was “really bad” and that going forward he had to write with a pencil rather than a pen. In his oral evidence, Pupil D said this “made me feel small inside”.
- Shouting at Pupil A when she provided the wrong answer to a question during a maths lesson. She said this “upset me as I had no idea what I had done wrong”.
- Shouting at Pupil B in front of the entire class when he dropped a pencil. Pupil B said “I felt sad when Mr O was saying negative things about me”.

In each case, the pupils described a similar pattern, whereby Mr Overeynder would shout loudly, drawing the class’s attention to the pupil and then humiliate them. In fact, Pupil A was able to draw a clear distinction between the manner in which Mr Overeynder disciplined pupils compared with other teachers at the School. These accounts were consistent with the oral evidence relayed to the panel by the pupils during the course of this hearing. The panel found the evidence of each pupil to be credible and honest; their evidence was not exaggerated.

In addition, the panel noted the oral evidence of Parent X who said that Mr Overeynder would highlight each mistake made by Pupil B, who was dyslexic. She said this was humiliating for him and she believed that the class environment created by Mr Overeynder destroyed Pupil B’s confidence.

Witness C, the headteacher, noted that during his lesson observation in September 2014 shortly after he joined the School, it became evident that Mr Overeynder did not have sufficient control of the class; and in his opinion, there were issues around classroom management.



In his witness statement, Mr Overeynder noted that he was one of the first male teacher these pupils had been taught by and accepted that he had a “loud (carrying) voice”. He refuted the assertion that he did not give pupils a warning before disciplining them, stating “I would issue three warnings before imposing any sanction”. The panel noted that during the investigatory meeting with Mr Overeynder on 23 March 2015, he responded to a question about whether he shouted, saying “I raise my voice sometimes, but I don’t think I shout it is about perception. They [the pupils] may think that I shout”. In his letter to the panel dated 21 May 2017, Mr Overeynder stated “In terms of general classroom ethos, it is inevitable that some children will thrive more than others ... It may be the case that some parents didn’t like me or my teaching style. Perhaps some teachers would have dealt differently with these scenarios”.

The panel considered the “Guidance for Safer Working Practice for Adults who Work with Children and Young People”. Under the heading “Behaviour Management” the policy provided “Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children ... is not acceptable in any situation”. The panel also noted that the School’s behaviour policy provided that “we need to use professional judgement to avoid crude and negative strategies which can leave unhelpful after effects ... There must be no humiliation of the child, ever”.

The panel considered all of the evidence, and preferred the evidence of the pupils, parents and teaching professionals. It held, on the balance of probabilities, that Mr Overeynder disciplined the pupils in the manner described by them. The panel considered that Mr Overeynder’s classroom management style created an inappropriate classroom ethos and the incidents described are clear evidence of bullying and humiliating behaviour towards to pupils. Having regard to appropriate teacher/pupil relationship and the relevant policies, the panel concluded that Mr Overeynder actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

## **2. Your behaviour in the classroom caused pupils to feel scared and/or upset;**

Mr Overeynder denied this allegation.

The panel had regard to the evidence of Witness B, who said she witnessed behaviour which caused pupils to feel upset or scared. In particular, she saw Mr Overeynder “take a reading book from a male pupil and hit him in the stomach with the book. The pupil in question became upset”. She noted that there was a “nervous tension in the classroom ... Sometimes Mr Overeynder would be very jokey and then he would start screaming at pupils”. This created a volatile environment. This account was consistent with the account relayed during the School’s investigation in October 2014 and her oral evidence to this panel. Similar behaviour was also reported by Individual D, who stated “I see their [the pupils] confidence crushed”.

The panel also had regard to the evidence of Pupils A, B and D who separately, during the course of their evidence, described feeling “scared” whilst being taught by Mr Overeynder. Pupil B described him as an “angry” man, whilst Pupil A went further and said she had “nightmares about him ... I saw him as a monster”, and Pupil D described Mr Overeynder as being “abrupt”. The pupils were able to contrast Mr Overeynder’s discipline style with that of other teachers at the School. The pupils said they had been taught by teachers who were “strict” but Mr Overeynder discipline style left them feeling “scared”, whilst the other “strict” teachers were also “nice”.

In relation to the impact upon Pupil B, Parent X said she noted the most dramatic dip in his confidence when he entered Mr Overeynder’s class, he was constantly crying, and did not want to go into school; the impact upon his behaviour was so severe that she considered pulling him from the School. She was extremely concerned about his emotional health. She reported that when he entered year 6, the teachers were “amazing” and they boosted his confidence; within a month he was really happy, and confident again.

The accounts relayed by the witnesses were consistent with their written statement to this panel and the notes from their respective meetings with Witness C. These witnesses have been consistent with their evidence throughout. The panel therefore found their evidence to be credible, cogent and honest; the panel did not feel the evidence was exaggerated in any way.

The panel noted that during the investigatory meeting with Mr Overeynder on 23 March 2015, he said, “I never intentionally humiliate anybody”. Throughout this meeting, Mr Overeynder was unable to explain why the pupils felt scared or upset.

The panel also considered the relevant sections of the policies referred to in allegation 1, above.

The panel considered all of the evidence, and preferred the evidence of the pupils, parents and teaching professionals. Having found his actions in allegation 1 to be proven, the panel held that Mr Overeynder’s classroom management style created an atmosphere of uncertainty, with his behaviour lacking consistency. This caused the pupils to feel anxious, upset and scared. Having regard to appropriate teacher/pupil relationship and the relevant policies, the panel concluded that Mr Overeynder’s actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

**3. In respect of Pupil A you engaged in inappropriate physical contact including stroking and/or touching her hair and/or her head and/or placing his arm around her and/or hugging her;**

Mr Overeynder denied this allegation.

The panel had regard to the witness statement of Pupil A who stated that “If I got a question right Mr O would put his arm around me and sometimes touch my shoulders or his hand would hover over my chest”. This account was consistent with the account relayed during the interview with the School on 15 December 2014, where she stated “sometimes he would put his arm round you”. She was consistent in her oral evidence, during which Pupil A said that Mr Overeynder would “hug me”. This was corroborated by the evidence of Individual D, who was in the class at the relevant time and said, during the School’s investigatory meeting, that Mr Overeynder was “all over her [Pupil A], sitting next to her. I am going round the class and he is sat next to her”. She went on to describe Mr Overeynder as a “very touchy feely person”. Witness B said during the School’s investigatory meeting that “he has a habit of taking them [pupils] into a corner with an arm around them”. In his witness statement, Mr Overeynder described a specific instance when he placed his “arm across her [Pupil A] shoulders” as part of praise he was delivering.

In addition, Pupil A stated in her witness statement that “Mr O would also mess with my hair and pat me on the back sometimes which I did not like”. This account was consistent with the account relayed during the interview with the School on 15 December 2014. She was consistent in her oral evidence, during which Pupil A described that during a maths test, Mr Overeynder had come up behind her and started twisting her hair. This type of behaviour was corroborated by the evidence of Witness A, who witnessed Mr Overeynder, during assembly “stroking Pupil A’s cheek and playing with her hair and tucking it behind her ears”. The panel noted that during her evidence to the panel, Pupil A could not recall this incident. However, in his witness statement, Mr Overeynder accepted that “I flicked her hair away from her face” after repeated warnings, although denied touching her face. The panel noted that this version of events was different to the version relayed by him during the course of Mr Overeynder’s investigatory meeting with the School when he could not recall the incident.

The panel considered the “Guidance for Safer Working Practice for Adults who Work with Children and Young People”. Under the heading “Physical Contact” the policy provided “it is crucial that ... adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities ... Permission should be sought from a child ... before physical contact is made”. The policy went on to state “If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate ... the incident and circumstances should be reported to the senior manager”.

The panel considered all of the evidence, and preferred the evidence of Pupil A. The panel held that, on the balance of probabilities, Mr Overeynder was more likely than not to have made physical contact with Pupil A in the manner she described. Whilst the panel heard evidence that there were certain occasions where teachers engaged in physical contact with pupils, such as hugging pupils on their last day at the school or comforting a pupil whilst upset, it considered that the situations in which Mr Overeynder made physical

contact with Pupil A were inappropriate. Having regard to appropriate teacher/pupil relationship and the relevant policies, the panel concluded that Mr Overeynder's actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

We have found the following allegation against you not proven, for these reasons:

**4. In relation to Pupil B you grabbed him by the cheek to remove him from under the table.**

Mr Overeynder denied this allegation.

The panel had regard to the written statement of Pupil B, who stated "During one lesson I was under the desk when Mr O grabbed my cheek and pulled me out from under the desk". This account was consistent with the account relayed to the headteacher during the School's investigation on 16 December 2014, where Pupil B explained that having grabbed him, Mr Overeynder then sent him to Witness A's class. The panel noted that Pupil B relayed details of this incident without prompting. This was corroborated by the evidence of Parent X who recalled that, on the day of the incident, when she went to collect Pupil B from after school club, he told her that Mr Overeynder "had pulled him out from under the desk by his cheek". She explored this further with Pupil B but could not see any visible marks on Pupil B's face.

The panel also had regard to the evidence of Witness A. She stated that Pupil B, "admitted that he had been under his table getting a marble and had not come out when Mr Overeynder had told him to". However, Pupil B did not inform her that Mr Overeynder had grabbed him by the cheek. During her oral evidence, Witness A confirmed that she did not notice any marks or redness to Pupil B's face when he entered her class immediately following the incident, albeit she was not specifically looking for any marks.

During the School investigatory meeting on 23 March 2015, Mr Overeynder recalled the science lesson with marbles but could not recall the incident with Pupil B. In response to a direct question about grabbing Pupil B, Mr Overeynder responded "I never touched anyone on the cheek to pull them out from underneath a table". In his witness statement, Mr Overeynder provided a fuller explanation, stating that following a series of warnings, asking Pupil B to come out from under the table, Mr Overeynder "reached under the table, held his arm and extricated him, without force".

The panel considered all of the evidence and found that there was insufficient evidence to conclude that, on the balance of probabilities, Mr Overeynder grabbed Pupil B by the cheek to remove him from under the desk. The panel felt that had Mr Overeynder grabbed Pupil B by the cheek, it would have left visible markings; both Parent X and Witness A could not recall seeing any marks at all. Having said that, the panel believed an incident did occur, whereby Mr Overeynder physically removed Pupil B from under his desk. However, given the wording of this allegation, the panel find it not proven.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which the panel referred to as “the Advice”

The panel was satisfied that the conduct of Mr Overeynder in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Overeynder 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; and
  - 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...
- 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 Overeynder fell significantly short of the standards expected of the profession. Mr Overeynder created an inappropriate classroom ethos where certain pupils were bullied and humiliated leaving them feeling scared and upset. The same level of care and nurture was not available to all pupils. Furthermore, Mr Overeynder engaged in inappropriate physical contact with Pupil A.

The panel considered whether Mr Overeynder conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and found that none of these offences were relevant.

The panel noted that the facts surrounding the allegations clearly impacted the manner in which Mr Overeynder fulfilled his role as a teacher. Furthermore, there was clear evidence that his conduct led to the pupil being exposed to or influenced by his behaviour in a harmful way, not least there is evidence that the pupils were afraid of Mr Overeynder and whilst being taught by him, did not want to go to school. This was supported by the evidence from the parents who witnessed a detrimental change in their children’s emotional well-being.

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

The panel took into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel took 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.

The findings of misconduct were serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore found that Mr Overeynder's actions constituted 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 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 recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether 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.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case.

In light of the panel's findings against Mr Overeynder, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of harmful behaviour towards certain pupils.

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

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

In view of 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 Overeynder.

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 Overeynder. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- 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.
- A deep-seated attitude that leads to harmful behaviour.
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went 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.

Given the nature of the behaviour, the panel held that Mr Overeynder's actions were deliberate and had seen no evidence to suggest that he was acting under duress. In fact the panel considered that his conduct was conscious and calculated. The panel noted that, in his role as a teacher, Mr Overeynder had previously been subject to formal disciplinary proceedings.

The panel noted that Mr Overeynder was said to have been an excellent teacher with certain pupils, and it had regard to the numerous letters received from the parents of children he had previously taught. These testimonials talk of the, "exceptional standard of teaching, guidance and support" Mr Overeynder provided, noting that he was a, "tolerant, patient and fair teacher". Indeed, Parent X acknowledged that to some pupils Mr Overeynder "was the best teacher". However, this was not the case with all pupils and the panel found that Mr Overeynder did pick on certain pupils over a prolonged period and failed to amend his behaviour despite a previous final disciplinary warning pertaining to similar issues.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would



unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences of prohibition for the teacher.

The panel is of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mr Overeynder. The unequal treatment of pupils coupled with the inappropriate classroom ethos and the impact on pupils were significant factors in forming that opinion. Accordingly, the panel makes 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 decide 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 proven, would militate against a review period being recommended. Such behaviours were not present in this case.

The panel do not consider that Mr Overeynder has shown any remorse for his actions and the impact upon the pupils and therefore the panel felt there was a continuing risk that Mr Overeynder would continue to deploy his existing teaching methods, thereby creating an inappropriate classroom ethos. The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for it to be reviewed after 2 years.

## **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 sanction and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found three of the four allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has found the fourth allegation not proven. I have therefore put that allegation from my mind entirely in my consideration of this case.

The panel has made a recommendation to the Secretary of State that Mr Overeynder should be the subject of a prohibition order, with a review period of two years.



In particular the panel has found that Mr Overeynder 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; and
  - 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has set out that it was satisfied that the conduct of Mr Overeynder fell significantly short of the standards expected of the profession. In the view of the panel, Mr Overeynder created an inappropriate classroom ethos where certain pupils were bullied and humiliated leaving them feeling scared and upset. The same level of care and nurture was not available to all pupils. Furthermore, Mr Overeynder engaged in inappropriate physical contact with Pupil A.

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 or not 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 Overeynder, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "there was clear evidence that his conduct led to the pupil being exposed to or influenced by his behaviour in a harmful way, not least there is evidence that the pupils were afraid of Mr Overeynder and whilst being taught by him, did not want to go to school. This was supported by the evidence from the parents who witnessed a detrimental change in their children's emotional well-being."

A prohibition order would therefore, in my view, prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "do not consider that Mr Overeynder has shown any remorse

for his actions and the impact upon the pupils and therefore the panel felt there was a continuing risk that Mr Overeynder would continue to deploy his existing teaching methods, thereby creating an inappropriate classroom ethos.”

In my judgement this lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ well-being. I have therefore given this element considerable weight in reaching my decision.

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

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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 Overeynder himself. The panel took into account a number of favourable comments concerning Mr Overeynder, “it had regard to the numerous letters received from the parents of children he had previously taught.”

A prohibition order would prevent Mr Overeynder from continuing to teach for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has also said of Mr Overeynder’s behaviour when considering whether to recommend prohibition, that it comprised “unequal treatment of pupils coupled with the inappropriate classroom ethos and the impact on pupils”

In considering whether to follow the panel’s recommendation, these factors have been given significant weight in reaching my decision.

I have therefore given less weight in my consideration of sanction, to the contribution that Mr Overeynder has made and is making 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 that is not backed up by 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 2 year review period. That is the minimum review period set out in the legislation.

I have considered whether a 2 year 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, I am following the recommendation of the panel.

I consider therefore that a two year review period is sufficient to satisfy the maintenance of public confidence in the profession.

**This means that Mr Rowan Overeynder 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 29 June 2019, 2 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 Rowan Overeynder remains prohibited from teaching indefinitely.

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

Mr Rowan Overeynder 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.



**Decision maker: Alan Meyrick**

**Date: 22 June 2017**

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