



National College for
Teaching & Leadership

Mr Hardip Singh Bedesha: Professional Conduct Panel outcome

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

November 2013

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Hardip Singh Bedesha

Teacher ref no: 9640829

Teacher date of birth: 28 October 1969

NCTL Case ref no: 0010304

Date of Determination: 15 November 2013

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 15 November 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Hardip Singh Bedesha.

The Panel members were Carolyn Robson CBE (Teacher Panellist– in the Chair), Stan Szaroleta (Lay Panellist) and William Brown OBE (Lay Panellist).

The Legal Adviser to the Panel was Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Louisa Atkin of Browne Jacobson Solicitors.

Mr Bedesha was not present until he came to the end of the meeting to provide further mitigation pursuant to Paragraph 4.90 of the Disciplinary Procedures for the regulation of the teaching profession. He was represented.

The Meeting took place in private as agreed between the parties. The decision as to facts and conviction of relevant offences was announced in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 2 October 2013.

This alleged that Mr Bedesha was guilty of conviction of relevant offences in that:

1. On 14 April 2011, he was convicted at Woolwich Magistrates Court of the offence of Driving a Motor Vehicle with Excess Alcohol, an offence he committed on 27 March 2011. He was ordered to pay a fine of £250, costs of £85 and a victim surcharge of £15. He was disqualified from driving for a period of 12 months;

2. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of Driving a Motor Vehicle with Excess Alcohol, an offence he committed on 23 August 2012. He was ordered to pay a fine of £650, costs of £85 and a victim surcharge of £15. He was disqualified from driving for a minimum period of 3 years and his licence was endorsed;

3. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of Causing the Use of an Uninsured Vehicle, an offence he committed on 23 August 2012. He received no separate penalty in respect of this offence, but his licence was endorsed;

4. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of driving otherwise than in accordance with a licence, an offence he committed on 23 August 2012. He received no separate penalty in respect of this offence;

5. On 6 May 2013, he was convicted at South East London Magistrates Court of the offence of driving whilst disqualified, having committed the offence on 5 May 2013. He was ordered to pay costs of £85 and a victim surcharge of £80. He was sentenced on 9 May 2013 to imprisonment for a period of 3 months (wholly suspended by 18 months) and was ordered to undertake an unpaid work requirement of 200 hours. He was disqualified from driving for a period of 12 months and his licence was endorsed;

6. On 6 May 2013, he was convicted at South East London Magistrates Court of the offence of using a vehicle while uninsured, having committed the offence on 5 May 2013.

Mr Bedesha admitted that he had been convicted of these offences and further admitted that the facts of the allegation amount to conviction of relevant offences.

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: Chronology	Page 2
Section 2: Notice of Referral, Response and Notice of Meeting	Pages 4 – 8c
Section 3: Statement of Agreed Facts/ Representations	Pages 10 – 15
Section 4: NCTL Documents	Pages 17 – 27
Section 5: Teacher's Documents	Pages 29 - 44

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

In addition, the Panel agreed to accept the following documents and gave them the page numbers stated in brackets:

Signed versions of some of the character references previously produced without signatures (pages 45 – 47)

Emails evidencing the production of character references (pages 48 – 49)

Letter from the London Probation Trust dated 10 September 2013 evidencing the number of hours community service completed as at that date. (page 50)

Written statement of the evidence given orally by Mr Bedesha (pages 51 – 52)

Witnesses

Convened as a meeting, the Panel heard no oral evidence prior to making its Findings of Fact and its Findings as to whether there were convictions of relevant offences. Prior to making its decision on its recommendation to the Secretary of State the Panel heard oral evidence from:

Mr Bedesha;

Witness A (who was the Head Teacher of C Primary School until recently, at which Mr Bedesha had been employed as Assistant Head Teacher until Summer 2013); and

Witness B (who has previously worked with Mr Bedesha and is now Head Teacher of the school at which Mr Bedesha has been employed as a class teacher since September 2013).

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.

Summary of Evidence

A Statement of Agreed Facts had been signed by Mr Bedesha on 10 September 2013 and by the Presenting Officer on 25 September 2013. The Statement of Agreed Facts confirmed that Mr Bedesha admitted that he has been convicted of all of the offences set out above and accepted that the memoranda of conviction provided by the court accurately set out the offences for which he was convicted. Furthermore, Mr Bedesha admits that the admitted facts amount to conviction of relevant offences.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations proven, for these reasons:

1 On 14 April 2011, he was convicted at Woolwich Magistrates Court of the offence of Driving a Motor Vehicle with Excess Alcohol, an offence he committed on 27 March 2011. He was ordered to pay a fine of £250, costs of £85 and a victim surcharge of £15. He was disqualified from driving for a minimum period of 12 months.

On 17 August 2013, Mr Bedesha returned a Notice of Referral Form admitting the allegations set out in the Notice of Referral. He further confirmed that the admitted facts amounted to conviction of a relevant offence. He requested that the allegations be considered without a hearing. That request was granted and confirmed by letter from the College dated 2 October 2013.

The Panel have in their hearing bundle at pages 10 – 12 a Statement of Agreed Facts signed by Mr Bedesha on 10 September 2013 and by the Presenting Officer on 25 September 2013.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

2. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of Driving a Motor Vehicle with Excess Alcohol, an offence he committed on 23 August 2012. He was ordered to pay a fine of £650, costs of £85 and a victim surcharge of £15. He was disqualified from driving for a minimum period of 3 years and his licence was endorsed.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

3. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of Causing the use of an uninsured vehicle, an offence he committed on 23 August 2012. He received no separate penalty in respect of this offence, but his licence was endorsed.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

4. On 5 November 2012, he was convicted at South East London Magistrates Court of the offence of driving otherwise than in accordance with a licence, an offence he committed on 23 August 2012. He received no separate penalty in respect of this offence.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

5. On 6 May 2013, he was convicted at South East London Magistrates Court of the offence of driving whilst disqualified, having committed the offence on 5 May 2013. He was ordered to pay costs of £85 and a victim surcharge of £80. He was sentenced on 9 May 2013 to imprisonment for a period of 3 months (wholly suspended by 18 months) and was ordered to undertake an unpaid work requirement of 200 hours. He was disqualified from driving for a period of 12 months and his licence was endorsed.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

6. On 6 May 2013, he was convicted at South East London Magistrates Court of the offence of using a vehicle while uninsured, having committed the offence on 5 May 2013.

The Statement of Agreed Facts confirms that Mr Bedesha admits that he has been convicted of the offence set out above and that the memorandum of conviction accurately sets out the offence for which he was convicted.

The Panel accepts the conviction as having proved that the facts of the case that related to the conviction have been established.

Findings as to conviction of a relevant offence

In the Statement of Agreed Facts, Mr Bedesha admitted that his conduct amounted to conviction of relevant offences.

The Panel is satisfied that the conduct of Mr Bedesha in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Bedesha is in breach of the requirement to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- o Not undermining fundamental British values including democracy, the rule of law, individual liberty and mutual respect.

The Panel also considers Mr Bedesha to have breached the requirement that:

- o Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The Panel is satisfied that the conduct of Mr Bedesha fell short of the standards expected of the profession.

The Panel noted that the behaviour involved in committing the offence could have had an impact on the safety of members of the public. The Panel has also taken into account of how the teaching profession is viewed by others. The Panel considered that Mr Bedesha's behaviour in committing the offence could affect the public's confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community. The Panel has noted that Mr Bedesha's behaviour has ultimately led to him receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed. The Panel took account of the Teacher Misconduct – Prohibition of Teachers Advice ("the Guidance") which states that it is likely that all criminal offences that involve serious driving offences, particularly those involving alcohol will be considered relevant offences. The Panel considers that the driving offences committed by Mr Bedesha were serious and noted that two of the offences involved driving with excess alcohol.

The Panel has taken account of the written evidence that has been adduced attesting to Mr Bedesha's exemplary record as a teacher. The Panel has also taken into consideration Mr Bedesha's account of the emotional difficulties he describes that he was suffering at the relevant time as a result of a breakdown of a long term relationship and the terminal illness of a close family member. Mr Bedesha has described the counselling he is undertaking to develop strategies to help him cope with challenges in his personal life. The Panel has also read Mr Bedesha's evidence, and that of his current partner, that he committed the offences on 5 May 2013 following an argument between them that had left Mr Bedesha distraught and not thinking clearly.

Although the Panel finds the evidence of Mr Bedesha's teaching proficiency to be of note, the Panel has found the seriousness of the offending behaviour that led to the series of convictions is relevant to the teacher's ongoing suitability to teach. The Panel considers that a finding that these convictions are relevant offences is 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 conviction of relevant offences, 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.

Prior to the commissioning of the offences for which Mr Bedesha has been convicted, he was of previous good character. The Panel has received the character statements contained in the hearing bundle. In particular, a character statement has been provided by Witness A (who was the Head Teacher of C Primary School until recently, at which Mr Bedesha had been employed as Assistant Head Teacher until Summer 2013). Character statements have also been provided by: Mr Bedesha's current partner; a parent of two children at C Primary School and Member of the School Parent Council; the Assistant Head Teacher at D Primary School where Mr Bedesha worked for over a decade; an Educational Consultant, an independent maths advisor supporting C Primary School; Assistant Head Teacher at E Primary School who has worked alongside Mr Bedesha for a period of 4 years as a year group partner; Mr Bedesha's cousin and Witness B (who has previously worked with Mr Bedesha and is now head teacher of the school at which Mr Bedesha has been employed since September 2013). The Panel has also heard oral evidence from Witness A and Witness B.

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 a 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 punitive effect.

The Panel has considered the particular public interest considerations set out in the Guidance and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the Panel's findings against Mr Bedesha which involved a series of driving offences (including offences of driving with excess alcohol and driving whilst disqualified), the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bedesha 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.

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 Bedesha. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence provided in writing and orally by the character witnesses referred to above.

In particular, the former Head teacher at C Primary School at which Mr Bedesha worked until recently as Assistant Head Teacher, Witness A, has attested to Mr Bedesha being exceptionally hard working; being a committed professional; having made a significant contribution to his pupils' academic achievement and with the community, describing that he often inspires others by example. Witness A has given evidence that Mr Bedesha has

been honest with him about the circumstances in his personal life and that Mr Bedesha has immediately notified him of any incidents. He considers Mr Bedesha to have shown remorse and insight which Witness A believes to be genuine and sincere.

Witness B (the headteacher at the school in which Mr Bedesha is currently employed as a class teacher) has described Mr Bedesha as being an outstanding teacher and an asset to the school. She has told the Panel that he is held in high regard by the community.

Others who have provided character references have described Mr Bedesha's qualities as a teacher.

The Panel was also mindful of the fact that prior to the offences for which Mr Bedesha has been convicted, he was considered to be a person of good character with no criminal or disciplinary sanctions recorded against him.

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 Bedesha. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. The Panel has found the following to be relevant:

- serious departure from the personal and professional conduct elements of the latest teachers' standards
- actions or behaviours to undermine fundamental British values, democracy and law to demonstrate deliberate intolerance and/or lack of respect of the rights of others
- evidence of a deep-seated attitude that leads to harmful behaviour
- serious criminal offences

The Panel were concerned the Mr Bedesha had committed a series of offences over a period of just over two years. Having committed one offence of driving with excess alcohol, just over a year later, he committed the same offence. On two separate occasions, he was convicted of causing the use of an uninsured vehicle. He has also committed the offence of driving whilst disqualified. Mr Bedesha's flagrant, continued flouting of the law is evidence of a deep-seated attitude.

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. In light of the Panel's findings, the Panel does consider Mr Bedesha's actions to have been deliberate, albeit, that they were committed during a time of emotional upheaval. Mr Bedesha has told the Panel under oath that he is remorseful and that he is addressing his emotional issues and obtaining counselling. He

has stated that he has submitted himself to an alcohol assessment which concluded that there was no physiological dependency on alcohol and has produced blood test results which he states evidences his normal liver function. The Panel however, received no independent evidence, other than that produced by Mr Bedesha, of these health issues or the steps he has taken to address his abuse of alcohol.

Whilst the Panel is pleased to hear that Mr Bedesha has taken positive action to address personal issues in his life, given the seriousness of the offences and the repetition of offences, the Panel cannot yet be satisfied that this pattern of behaviour would not recur. The Panel is therefore of the view that Prohibition is both proportionate and appropriate. The Panel considers that the public interest considerations outweigh the interests of Mr Bedesha and that a recommendation for a prohibition order is required to maintain public confidence in the profession. 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 for them to decide to recommend that a review period of the order should be considered. The Panel were mindful that the Guidance advises that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. This is not a case involving any of the behaviours for which the Guidance suggests the Panel should consider recommending to the Secretary of State that the prohibition order be imposed with no provision for the teacher to apply for it to be set aside.

The Panel believes that a further period of mature reflection will allow Mr Bedesha to fully learn from his mistakes. The Panel does recognise his commitment and ability as a teacher and that he is valued at the school in which he is employed. It is for this reason that the Panel recommends the opportunity to apply to have the Prohibition Order set aside after a period of three years to allow a sufficient period to test Mr Bedesha's ability to abstain from offending.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case.

Mr Bedesha has committed a series of driving offences over a period of 2 years. Mr Bedesha has admitted all the allegations outlined in the notice of referral and that those convictions amount to 'convictions of relevant offences'.

The Panel have given proper consideration to the public interest test and found that Mr Bedesha's flagrant, continued flouting of the law was evidence of a deep-seated attitude.

The Panel was pleased to hear that Mr Bedesha has taken positive action to address personal issues in his life. However, given the seriousness of the offences and the repetition of offences, the Panel could not be satisfied that this pattern of behaviour would not recur. I therefore agree with the panel's recommendation that a prohibition order is both proportionate and appropriate.

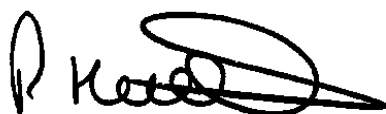
In considering whether it was appropriate to allow Mr Bedesha to apply for the order to be set aside at a point in the future, the panel took account of a number of positive testimonials from current and previous colleagues.

The Panel gave due recognition to Mr Bedesha's commitment and ability as a teacher. They further believed that a further period of mature reflection will allow Mr Bedesha to fully learn from his mistakes. In the circumstances I agree with the recommendation that Mr Besheda should be allowed to apply for the order to be set aside after a minimum period of three years has elapsed.

This means that Mr Hardip Singh Bedesha 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 20 November 2016, 3 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 Hardip Singh Bedesha remains barred from teaching indefinitely.

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

Mr Hardip Singh Bedesha 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: Paul Heathcote

Date: 18 November 2013

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