

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Adrian Raymond Bradley
Teacher ref no: 6798612
Teacher date of birth: 20 August 1948
TA Case ref no: 9557
Date of Determination: 8 April 2013
Former Employer: Burleigh Community College

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College For Teaching and Leadership (The National College) convened on 8 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Adrian Raymond Bradley.

The Panel members were Dr Robert Cawley (Teacher Panellist– in the Chair), Cllr Gail Goodman (Teacher Panellist) and Mr Bill Nelson (Lay Panellist).

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

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

Mr Adrian Raymond Bradley was not present and was not represented

The Meeting took place in private and was recorded. The decision as to facts and unacceptable professional conduct and/or conduct which may bring the profession into disrepute was announced in public.

B. Allegations

The Panel considered the allegations set out in the Notice of Referral dated 6 February 2013.

It was alleged that Mr Adrian Raymond Bradley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst employed at Burleigh Community College during 2012 Mr Bradley failed to maintain appropriate professional boundaries towards female students including that;

- a. On or around 3 May 2012;
 - i. He stroked Student A's arm;
 - ii. He told Student A works to the effect that "now that I've got you I'm never letting you go",
- b. On or around 10 May 2012;
 - i. He touched Student B's arm;
 - ii. He told Student A that she was beautiful
- c. He told Student C that she smelt nice;
- d. He engaged in a conversation with Student D and/or Student F during which he guessed the student's dress size;
- e. He held Student E's hand;
- f. He asked Student F to close her eyes whilst he removed a loose eyelash from her.

Mr Bradley's application for the allegations to be considered at a meeting was granted by the Teaching Agency on the 1 March 2013.

Mr Bradley admitted the facts set out in the Notice of Referral and furthermore confirmed that the admitted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary Applications

There were no preliminary applications.

D. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	Pages 2
Section 2	Notice of Referral & Response	Pages 4 – 8a
Section 3	Teaching Agency Statements of Agreed Facts/Representations	Pages 9 - 14
Section 4	Teaching Agency Documents	Pages 16 - 41

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

Brief summary of evidence given

The Panel received a Statement of Agreed Facts signed by Mr Bradley on the 18 February 2013 and the Presenting Officer on the 22 February 2013. The Statement of Agreed Facts confirmed that Mr Bradley admitted all of the facts set out in the Notice of Referral save that in paragraph 1a(ii) the word 'never' was changed to 'not'.

The Statement of Agreed Facts confirmed that Mr Bradley accepted that the admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

E. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Mr Bradley was employed as a teacher at Burleigh Community College Leicester from the 11 January 2010 until the 17 May 2012. The particulars of the allegations made in the Notice of Referral are a failure on his part to observe proper boundaries with female students in 2012.

Findings of fact

The Notice of Referral dated the 6 February 2013 made an allegation that Mr Adrian Raymond Bradley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst employed at Burleigh Community College during 2012 Mr Bradley failed to maintain appropriate professional boundaries towards female students including that;
 - a. On or around 3 May 2012;
 - i. He stroked Student A's arm;
 - ii. He told Student A words to the effect that "now that I've got you I'm never letting you go",
 - b. On or around 10 May 2012;

- i. He touched Student B's arm;
- ii. He told Student A that she was beautiful
- c. He told Student C that she smelt nice;
- d. He engaged in a conversation with Student D and/or Student F during which he guessed the student's dress size;
- e. He held Student E's hand;
- f. He asked Student F to close her eyes whilst he removed a loose eyelash from her.

This is a case when on the 7 February 2013 Mr Bradley returned his Notice of Referral form indicating that he admitted the allegations set out in the Notice of Referral, and furthermore that he confirmed that the admitted facts amounted to unacceptable professional conduct and / or conduct that brought the profession into disrepute. Mr Bradley requested that the allegations be considered without a hearing. That request was granted and confirmed by letter from the Teaching Agency to Mr Bradley dated the 1 March 2013.

The Panel have in their hearing bundle at pages 9-12 a Statement of Agreed Facts signed by Mr Bradley on the 18 February 2013 and the Presenting Officer on the 22nd February 2013. The Statement of Agreed Facts confirms that Mr Bradley admits the facts of all of the allegations set out at paragraphs 1a to 1f of the Notice of Referral. The Statement of Agreed Facts does provide some context for the allegations and Mr Bradley makes further comment as to the facts of the allegations at pages 12, 34, 35, 38, 39, 43 and 44 of our hearing bundle. The Panel noted that in relation to allegation 1 a ii the word never had been amended to 'not' in the Statement of Agreed Facts.

The Panel are satisfied having regard to the admissions made by Mr Bradley and the contents of the Statement of Agreed Facts that each of the allegations set out in the Notice of Referral are proved.

Findings as to Unacceptable Professional Conduct and / or Conduct that may bring the Profession into disrepute.

In the Statement of Agreed Facts Mr Bradley accepts that his conduct amounted to both unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

The Panel is satisfied that the conduct of Mr Bradley in relation to the facts that we have found proved involved a breach of Teachers Standards.

We consider by reference to Part Two Mr Bradley is in breach of the following standards:

- Upholding public trust in the profession and maintaining high standards of ethics and behaviour, within and outside the school, by:
- Treating pupils with dignity, building relationships rooted in mutual respect, and all times observing proper boundaries.

We are satisfied that the conduct of Adrian Bradley fell short of the standard expected of the profession.

Accordingly we are satisfied that Adrian Bradley is guilty of Unacceptable Professional Conduct and 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.

Following the Panel's findings of fact and unacceptable professional conduct, and conduct that may bring the profession into disrepute, the Legal Adviser handed to us a finding made by the General Teaching Council for England in 2007. In summary on that occasion a Professional Conduct Committee of the General Teaching Council for England found that, between January 2004 and July 2005, Mr Bradley had acted in a manner that was seriously demeaning and undermining of colleagues in that he sexually harassed four members of staff. The Professional Conduct Committee imposed a Conditional Registration Order with a condition that Mr Bradley should not hold the position of Headteacher without limit of time.

In considering whether to recommend to the Secretary of State that a Prohibition Order should be made we have to consider whether it is a proportionate measure, and if it is in the public interest to do so. Prohibition Orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

We have considered the public interest and in particular:

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

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

- Serious departure from the personal and professional conduct elements of latest teacher standards, as published by, or on behalf of, the Secretary of State;
- Misconduct seriously affecting the wellbeing of pupils;

- Abuse of position/trust (particularly involving a vulnerable pupil) or violation of the rights of pupils.

The Panel's findings against Mr Bradley involve findings of inappropriate professional relationships, and therefore there is a public interest consideration for the protection of children. Similarly the Panel considers that public confidence in the profession could be weakened if such conduct as we have found proved was not treated with concern when regulating the conduct of the profession. Furthermore the Panel considered there are public interest considerations in declaring proper standards of conduct in the profession which were present in the conduct found against Mr Bradley.

Notwithstanding the public interest considerations that were present the Panel had to carefully consider whether or not it would be proportionate to impose a Prohibition Order. In forming that judgement the Panel took into account such mitigation that had been provided by Mr Bradley. The Panel noted it was not possible to say that Mr Bradley was a person with no disciplinary sanctions recorded against him having regard to the General Teaching Council for England finding of 10 July 2007. This hearing was a second occasion when Mr Bradley's professional judgement had been found to be lacking.

In carrying out the balancing exercise we have decided that the public interest considerations outweigh the interests of Mr Bradley. Accordingly a consideration of the public interest requires us to make a recommendation to the Secretary of State that a Prohibition Order should be imposed 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 advice given is that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order.

The Panel was mindful that Mr Bradley had a long history as a teacher. There is a possibility that Mr Bradley may reflect upon his actions as to professional appropriate boundaries that need to be in place at all times. In those circumstances we make a recommendation that the Secretary of State should consider a review following a period of two years.

Secretary of State's Decision and Reasons

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

In this case Mr Bradley has admitted the allegations against him and he has admitted that those allegations amount to unacceptable professional conduct.

Mr Bradley has failed to observe the appropriate boundaries that should be in place at all times. His behaviour on more than one occasion breached the

standards that are expected of a teacher. He failed to treat pupils with dignity and respect.

I have also noted that this was the second occasion on which Mr Bradley had been found guilty of unacceptable professional conduct.

I support the recommendation of the panel. This decision takes into account the public interest and the need to be proportionate.

I have also considered the recommendation of the panel concerning a review period. The panel has taken into account the long time that Mr Bradley has served as a teacher and recommends a two year review period. I support that recommendation.

This means that Mr Adrian Raymond Bradley 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 **15 April 2015**, two years from the date of this order at the earliest. If he applies, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Adrian Raymond Bradley remains barred from teaching indefinitely.

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

Mr Adrian Raymond Bradley has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

Date: 9 April 2013