

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

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

Teacher: Mr Vincent Orugboh
Teacher ref no: 94/39967
Teacher date of birth: 15 May 1962
TA Case ref no: 9397
Date of Determination: 6 August 2013
Former Employer: Bramford Manor Academy, East Ham

A. Introduction

A Professional Conduct Panel (“the Panel”) of National College for Teaching and Leadership (“the National College”) convened, on 6 August 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Vincent Orugboh.

The Panel members were Mrs Sue Netherton (Lay Panellist– and the Chair), Professor Ian Hughes (Lay Panellist) and Dr Robert Cawley (Teacher Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

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

Mr Vincent Orugboh was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 16 May 2013.

It was alleged that Mr Vincent Orugboh was guilty of having been convicted of a relevant offence, in that:

1. On 16th January 2013 Mr Orugboh was convicted in the Crown Court at Wood Green of the offence of assault/ill-treat/neglect/abandon a child/young person likely to cause unnecessary suffering/injury. Mr Orugboh committed this offence on 20 November 2011. He was sentenced on 18 January 2013 to

imprisonment for a period of 6 months and was ordered to pay prosecution costs of £3000.

Mr Orugboh did not respond to the National College of Teaching and Leadership. He was taken to have denied the allegation.

C. Preliminary Applications

Proof of Service/ Proceeding in Absence

At the outset of the hearing, the Presenting Officer provided evidence to confirm that the Notice of Proceedings had been posted to Mr Orugboh's last known address and applied for the hearing to proceed in his absence.

The Panel announced its decision and reasons for that decision as follows:

"Having reviewed the Notice of Proceedings of 16 May 2013 and having heard representations from the National College of Teaching and Leadership we conclude that the Notice has been served appropriately and in accordance with the Teacher's Disciplinary Regulations and Disciplinary Procedures.

We have considered very carefully whether to proceed in Mr Orugboh's absence today. In this regard, we have considered each guideline set out in the case of *Jones*.

Mr Orugboh has contacted the National College and has confirmed that he has received the relevant Notice and does not intend to appear at this hearing. He is no longer imprisoned. He has not requested an adjournment or postponement of the hearing.

We have considered the nature of the case, the allegations and the evidence which is available to us.

We recognise the responsibility on this Panel to consider such points and to test evidence as might be appropriate on Mr Orugboh's behalf. Given these factors we are satisfied that we can ensure that he will receive a fair hearing.

We do not feel that it is necessary to delay consideration of the hearing and therefore we have decided that it is in the public interest to continue with the hearing today.

We have noted within the record of the telephone conversation of 24 July 2013 that Mr Orugboh questioned whether the press would be excluded from the hearing. We have not invited the Presenting Officer to make representations, but have of our own volition considered whether it would be appropriate to exclude the public from this hearing in order to ensure fairness to Mr Orugboh. As an experienced Panel, we are aware of the general presumption that hearings such as this are held in public.

The identity of the child has been, and will remain, anonymised. The allegation in this case relates to Mr Orugboh's conviction which followed a criminal, public trial. Copies

of local press reports relating to the case are contained within the bundle. We are clear that the issues to be raised in this hearing are already in the public domain. We are satisfied that there is no sufficient reason, and it is not in the interests of justice, for this hearing to proceed in private.

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 to 3
Section 2	Notice of Proceedings & Response	Pages 5 to 10
Section 3	National College for Teaching & Leadership Documents	Pages 12 to 40

In addition, the Panel agreed to accept the following:

1. Additional documents and correspondence relating to service of the Notice of Proceedings, pages 41- 47

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

Brief summary of evidence given

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

The Presenting Officer made opening / closing submissions. No witnesses were called.

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

Mr Orugboh had been employed at Brampton Manor Academy (formerly Brampton School), East Ham London since 1999 as teacher of EMA. He was employed as the English as an Additional Language co-ordinator and he had teaching responsibilities. On 20 November 2011 Mr Orugboh had been returning home from church with a

child relative aged 11, when he subsequently assaulted the child, by beating her with a belt. The assault resulted in her sustaining injury, namely bruising on her leg. On 16 January 2013, Mr Orugboh was convicted at Wood Green Crown Court, following trial, for assault and was sentenced to 6 months imprisonment.

Findings of fact

The allegation we have considered is that Mr Vincent Orugboh is guilty of having been convicted of a relevant offence, in that:

1. On 16th January 2013 he was convicted in the Crown Court at Wood Green of the offence of assault/ill-treat/neglect/abandon a child/young person likely to cause unnecessary suffering/injury. Mr Orugboh committed this offence on 20 November 2011. He was sentenced on 18 January 2013 to imprisonment for a period of 6 months and was ordered to pay prosecution costs of £3000.

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Orugboh proven, for these reasons:

We have considered the bundle of documents available to us.

We have reviewed the Certificate of Conviction which indicates that, on 16 January 2013, he was convicted in the Crown Court at Wood Green of the offence of assault/ill-treat/neglect/abandon a child/young person likely to cause unnecessary suffering/injury. We are satisfied that this certificate accurately records the conviction and that it proves that Mr Orugboh was convicted as alleged.

Findings as to Conviction of a Relevant Offence

Having found the facts of the particular proved, we further find that Mr Orugboh's conviction is of a relevant offence.

We consider that it is relevant to Mr Orugboh's fitness to be a teacher that he has been convicted of assaulting a child which left her with injuries. The offence is serious and he was imprisoned for it. The behaviour of which Mr Orugboh was convicted is contrary to the standards of personal and professional standards expected of a teacher. Teachers are expected to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. Teachers must treat pupils with dignity and should seek to build relationships which are rooted in mutual respect; they must also have regard to the need to safeguard pupils' wellbeing. Whilst Mr Orugboh's violence was directed at a relative, rather than a pupil, we are concerned that his behaviour indicates that he has failed to uphold the spirit of these fundamental expectations.

In our view Mr Orugboh's conviction is relevant to his work with children and young people. We are concerned that such violent behaviour would be likely to have an

impact on public confidence in the teaching profession. Mr Orugboh maintained during his discussions with the child protection strategy group that his actions amounted to reasonable chastisement. Given the injuries which were suffered by the child following his assault, we are concerned that Mr Orugboh's view of what was an appropriate level of physical contact to use would be likely to have an impact on the safety or security of pupils."

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered all of the evidence. Whilst Mr Orugboh has presented no representations or evidence, we have considered mitigation which is contained within the bundle for example that, as Mr Orugboh suggested to the child protection strategy group, the child relative was behaving in a manner which required discipline and that he had attempted to change her behaviour. He claimed that his actions amounted to reasonable chastisement.

We are aware that reference has been made to a previous allegation which had been made by the child but, given the absence of evidence, we have not allowed this to inform or play a role in our decision. Prior to the events he had had a previously long teaching career.

As outlined in our decision Mr Orugboh's conduct has fallen significantly below the standards expected of a teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in it.

We have carefully considered the evidence relating to how Mr Orugboh responded to the allegations raised by Child A. He continued to deny the allegation throughout his interviews with the safeguarding group and police. He refused to allow police access to his house as part of their investigation and he continued to deny at the Crown Court trial in January 2013 that he had assaulted the child. We are concerned that Mr Orugboh did not fully assist the police or social services with their important enquiries as we would expect of a member of the profession.

Mr Orugboh has not provided any representations or evidence for us to consider which might demonstrate that, even since his conviction, he has shown remorse for his actions and now understands the importance of safeguarding and/or child protection. We have not been reassured that he has reflected on the concerns that have been raised and we have not been satisfied that Mr Orugboh has shown professional integrity, insight, remorse or recognition regarding the seriousness of his actions.

We considered whether to conclude this case without recommending the imposition of a sanction. We have decided that the issues raised in this case are so serious that a prohibition order is necessary and appropriate. We have reached this decision after careful consideration. We have reminded ourselves that a sanction is not intended to act punitively but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards of conduct expected of the profession and to protect the public and/or pupils. A Prohibition Order is necessary and proportionate in this case in order to reflect the seriousness of Mr Orugboh's

behaviour as well as to uphold public trust and confidence in the standards of conduct expected of the profession.

We carefully considered whether to recommend that Mr Orugboh be afforded the opportunity to apply for the Prohibition Order to be reviewed. We are significantly concerned that Mr Orugboh has not shown insight or reflection in relation to his behaviour and he has not engaged with the National College of Teaching and Leadership. We have not been reassured that he will not behave in a similar way again. In our decision, which reflects the evidence we have reviewed as part of this case, we are concerned that Mr Orugboh represents a risk to the safety and wellbeing of children in the future. In addition to ensuring that we protect children, we are aware of our responsibility to protect the reputation of the profession and to maintain confidence in the standards expected of the profession. For these reasons we have decided that it would not be appropriate to recommend that Mr Orugboh be given the opportunity to apply to review the Order.

Decision and Reasons on behalf of the Secretary of State

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

The Panel have found Mr Orugboh's conviction to be a relevant one. This was a very serious incident which resulted in a custodial sentence. The incident has the potential to seriously undermine the confidence of the public in the teaching profession. It is also a serious failure to maintain the standards expected of a teacher. In addition, it is clear that Mr Orugboh failed to assist in the investigation of the matter with the police and social services.

I have taken into account the fact that a prohibition order should not be punitive, although it may have a punitive effect. In my view this conviction was for a very serious assault and a prohibition order is a proportionate response.

I have also considered very carefully the issue of a review period. The Panel are very clear that Mr Orugboh has shown very little insight or remorse in this matter. I have taken into account that Mr Orugboh had a long teaching career prior to this incident. However, the lack of insight and the lack of remorse leads me to support the recommendation of the Panel that there be no review period.

This means that Mr Vincent Orugboh is prohibited from teaching indefinitely and cannot teach in any school, Sixth Form College, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Vincent Orugboh shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Vincent Orugboh 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: 6 August 2013

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