

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr David Bradley
Teacher ref no: 7135852
Teacher date of birth: 22 May 1953
TA Case ref no: 9375
Date of Determination: 16 January & 4 February 2013
Former Employer: North Cestrian Grammar School, Altrincham

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 16 January 2013 and 4 February 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr David Bradley.

The Panel members were:

1. John Pemberton (Teacher Panellist – in the Chair);
2. Gail Goodman (Teacher Panellist); and
3. Janet Draper (Lay Panellist).

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

The Presenting Officer for The Teaching Agency was Louisa Atkin of Browne Jacobson Solicitors.

Mr Bradley was present and was represented by John Easton and Christina Barrett of the Association of Teachers and Lecturers.

The hearing meeting took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 7 November 2012.

It was alleged that Mr David Bradley was guilty of unacceptable professional conduct and that his conduct brought the profession into disrepute, in that:

Whilst attending a residential outdoor pursuits trip with eleven Year 8 students, between 4 November 2011 and 6 November 2011, Mr Bradley:

- 1) Engaged in a naked streak with students across a field;

- 2) Was undressed in the shower area whilst students were taking showers;
- 3) Engaged in inappropriate contact with two students by;
 - a. Sitting behind a female student and putting your arms around her;
 - b. Sitting a male pupil on his knee putting his arms around him;
- 4) Oversaw/presided over a 'peeing' competition between two students;
- 5) Gave and/or suggested a forfeit to a student of sitting 'bare bottomed' on the grass.

Mr Bradley admitted allegations 1, 2 and 4 but denied allegation 3 in that he did not accept that his contact was inappropriate. He denied allegation 5. He accepted that, in respect of his admission in respect of particular 1, his actions did amount to unacceptable professional conduct and that his actions brought the profession into disrepute.

C. Summary of Evidence

Documents

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

Section 1	Chronology	Page 1
Section 2	Notice of Proceedings & Response	Pages 4 to 9
Section 3	Teaching Agency Statements	Pages 11 to 17
Section 4	Teaching Agency Documents	Pages 19 to 74
Section 5	Teacher's Documents	Pages 76 to 100

In addition, the Panel agreed to accept the following:

1. copy of a document recording Mr Bradley's working day on 4 November 2011;
2. pupil identification schedule; and
3. additional character and professional testimonials.

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

Brief summary

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

The Panel carefully considered all of the submissions presented by the Presenting Officer and the Teacher's Representative.

The Presenting Officer called Witness A to give evidence. The Panel took Ms Davies' statement, found at pages 11 – 13 of the bundle, as read.

Witness A, in answer to questions from the Presenting Officer, the Teacher's Representative and the Panel, gave additional detail regarding the organisation of

the outdoor activities course at Solway Bank. She gave additional detail regarding the numbers of pupils present on the activities course, the layout of the accommodation blocks and the activities undertaken by the pupils. She explained that she had been very tired on Friday 4 November 2011. She was aware of the importance of removing ticks which could attach themselves to pupils. She explained her understanding of the need to ensure the cleanliness of pupils during the residential trip. She gave greater detail to the Panel regarding the safeguarding induction training which she had undertaken whilst at the School. She provided evidence regarding Mr Bradley's experience and explained that she did not believe that Mr Bradley had motivation other than to comfort the children.

Witness A also provided greater detail regarding her qualifications and experience as a PE teacher and her explanation that this was the third School trip that she had been a part of. She agreed that the trip was well organised. The group consisted of equal numbers of girls and boys. A few of the pupils had dyslexia but none had physical disabilities. She gave her view that neither she nor other teachers should shower with pupils. She explained the level of respect which every member of staff at the School had for Mr Bradley.

The Teacher's Representative called Mr Bradley to give evidence. The Panel took Mr Bradley's statement, found at pages 77 – 98 of the bundle, as read.

In answer to questions from the Teacher's Representative, the Presenting Officer and the Panel, Mr Bradley gave detail regarding his 36 years of teaching. He provided detail about his mountain leadership qualification and his commitment to running outdoor pursuit trips for pupils across a period of 35 years. He gave greater detail to the Panel regarding his understanding of safeguarding and the need to ensure the safety and security of all pupils. He explained the detail and context of the outdoor activities trips, as well as the first aid and potential lifesaving skills knowledge which were required by outdoor leaders.

At no point during the activities course had he ever been alone with any pupils - there were always at least two adults present, certainly around in the showers. The arrangements at Solway Bank were the same as for the majority of outdoor centres with communal changing areas. He explained the importance of ensuring the hygiene of pupils during outdoor activities. He had been very concerned about two pupils who, during the night of 5 November, had become cold - he had followed standard procedure to provide comfort and reassurance to them. There were other adults, including Witness A, present at the relevant time.

On the evening of 4 November 2011 he explained that he was exhausted following a long day. He had agreed with two male pupils that he would go along with a naked streak – he could not explain why he had behaved in that way. He now understood that in November 2011 he was close to cracking up due to stress and the pressure of work.

Regarding the allegation that he had streaked, Mr Bradley confirmed that there were no complaints raised by any children, and the children had found it hilarious. He understood that it was not what a teacher should do.

He provided additional detail regarding the showering arrangements and how the showers at Solway Bank were not communal. There were always a number of adults present during showering times.

Following the Panel making its finding in respect of unacceptable professional conduct and conduct bringing the profession into disrepute, the Teacher's Representative recalled Mr Bradley to give evidence. Mr Bradley provided additional detail regarding the stress that he was suffering from some 8 – 9 months prior to the incident. He had only realised now, given his recuperation, that he had been significantly stressed and that this had led him to behave uncharacteristically. He gave further detail about his calm approach towards staff and pupils. With hindsight, he stated that he should never have attended the outdoor course. He was still unable to explain why he had taken part in the streak with the pupils. He had realised immediately that he should not have done it, but he did not report it to the school because he had not seen it as a serious incident.

The Teacher's Representative called Witness B. The Panel took her statement as read, found at pages 99 -100 of the hearing bundle.

In answer to questions from the Teacher's Representative, Presenting Officer and Panel, Witness B gave additional detail about Mr Bradley's extra-curricular activities and his caring and committed approach to children and pupils. They had worked closely together at the school and he had always been available to help her. She had thought him to be an excellent manager and would always take the awkward pupils. She believed that during the final year of his teaching, he had overdone it and had suffered a number of physical health concerns. To colleagues she had explained that Mr Bradley had had a nervous breakdown and staff had not been surprised.

D. 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 Bradley was employed as an English teacher at the North Cestrian Grammar School. Mr Bradley had been employed at the school since September 1979. In addition to his teaching practice, Mr Bradley had been involved in leading and supporting extra curricular activities for pupils of the school, for example the Duke of Edinburgh award course and residential outdoor pursuits trips. Mr Bradley had led an outdoor activity residential course from 4 November 2011 until 6 November 2011 along with colleague Witness A. Following the course, concerns were raised by a parent of one of the pupils on the course that inappropriate activities had taken place during the course. During the subsequent school investigation, these concerns

indicated that Mr Bradley had streaked with pupils across a field, had been undressed in the shower area whilst pupils were taking showers, engaged in inappropriate contact with two pupils, oversaw a competition which involved two pupils urinating and suggested an inappropriate forfeit to a pupil. During the investigation, Mr Bradley accepted that he had undertaken a number of the alleged actions but explained that most of his actions were in line with usual practice during outdoor residential courses.

Following the school investigation, Mr Bradley retired from teaching.

We considered the allegation, as amended, as set out in the Notice of Proceedings dated 7 November 2012.

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst attending a residential outdoor pursuits trip with eleven Year 8 students, between 4 November 2011 and 6 November 2011, you:

1. Engaged in a naked streak with students across a field;
2. Were undressed in the shower area whilst students were taking showers;
3. Engaged in inappropriate contact with two students by;
 - a. Sitting behind a female student and putting your arms around her;
 - b. Sitting a male pupil on his knee putting your arms around him;
4. Oversaw/presided over a 'peeing' competition between two students;
5. Gave and/or suggested a forfeit to a student of sitting 'bare bottomed' on the grass.

Findings of fact

Our findings of fact are as follows:

Particular 1

We have noted that you admit the facts of this allegation.

We have considered your evidence and that of Witness A. We have also considered the report relating to the trip to Solway Bank Activity Centre and how concerns relating to the streak across the field were brought to the Headteacher's attention. We have carefully considered the detailed evidence which you have given regarding this event and have noted the consistency of the evidence.

Given the clear evidence you have given and admissions you have made to both this panel and also to the school during its investigation, we find this particular proven.

Particular 2

We have noted that you admit the facts of this allegation.

We have carefully considered your detailed evidence in relation to this particular. We have noted the context of the circumstances which you have given. We note that another adult was present in the changing area with you during shower time. We have noted that there was just one available changing area and one shower for both male pupils and male adults.

On the basis of the admission which you have made and evidence you have given we find this particular proven.

Particular 3

We have noted your admission as to the facts of particulars 3 a and b.

We have considered your evidence and that of Witness A. Witness A was also present during the residential trip and witnessed the events. Having considered your evidence, your admissions and the evidence of Witness A we are satisfied that particulars 3 a and b are proven.

Having reached that decision in relation to particulars 3 a and b, the key issue in relation to this particular relates to whether your contact with the two pupils was inappropriate.

We have carefully considered the circumstances in which you sat behind Pupil C and put your arms around her shoulders. Also Pupil A sat on your knee and you put your arms around his shoulders. We are satisfied with your evidence that your actions were intended to ensure the safety, reassurance and comfort of the pupils in a situation where they appeared to be cold and, potentially, on the verge of hypothermia. The documentation which you have presented that includes the unchallenged evidence relating to the importance of sharing body heat gives credence and support to the justification you have given for your actions.

We have also considered the evidence of Witness A, who was clear that she did not believe that you were motivated by any desire other than to seek to reassure the pupils. Neither of the pupils raised any concern about your behaviour.

You gave credible evidence to explain that your actions were intended to help pupils to warm up during an outdoor wild camping evening. You were acutely aware of your position, the proximity of the pupil's body positions and that fact that other adults were present.

We have not heard or had made available to us any evidence or opinion which proves to the requisite standard that, given the specific circumstances of this case, your contact with the pupils was inappropriate. We are satisfied that no evidence is available which indicates that your actions placed pupils or children at risk.

For these reasons, whilst we find particulars 3 a and b proven, we do not find it proven that your actions amounted to engaging in inappropriate contact.

Particular 4

We have noted that you admit the facts of this allegation.

We have very carefully considered your evidence and that of Witness A. Your detailed evidence was that you did oversee two male pupils who were urinating outdoors.

We find the facts of this particular proven.

Particular 5

We have considered this evidence carefully. We have considered the nature of your admission carefully.

In her evidence today, Witness A was unable to recall the conversation or the details of what was said. We have carefully considered the evidence which is available and have noted that there is no evidence from any of the pupils who were involved in the circumstances which relate to this allegation.

We have decided that, in the absence of clear evidence from Witness A and given your recollection, there is not sufficient evidence available to prove that you gave or suggested that the pupil should sit bare bottomed on the grass in the manner of it being a real forfeit or sanction.

We do not find this particular proven.

Findings as to Unacceptable Professional Conduct and/or conduct that may bring the profession into disrepute

We have noted that you admit that your actions in engaging in a naked streak with pupils across a field amount to unacceptable professional conduct and is conduct that may bring the profession into disrepute.

We have carefully considered the relevant Standards. Teachers have a responsibility to uphold public trust in the profession, to maintain high standards of ethics and behaviour, within and outside school and to uphold confidence in the reputation of the profession. Teachers are expected to behave in a manner which ensures the maintenance of appropriate professional boundaries – we believe that your actions in engaging in the streak failed to maintain the clear boundaries and appropriate delineation of behaviour which should exist between pupils and teachers. Your behaviour failed to ensure the maintenance of appropriate boundaries which are essential in order to ensure that a teacher's position of trust, responsibility and authority are upheld.

We are satisfied that your actions do amount to unacceptable professional conduct and conduct which may bring the profession into disrepute in respect of particular 1.

We have carefully considered the elements of the allegation. Whilst we do not condone that your actions referred to in particulars 2, 3 and 4 would be generally appropriate, we are not satisfied that, in the specific circumstances and the context of this case, those actions amount to unacceptable professional conduct or conduct which may bring the profession into disrepute.

In relation to particular 2, we have not had or seen sufficient evidence which shows that your actions in supervising male pupils showering was inappropriate or presented a risk to pupils. We have noted that another adult was always present in the changing room and have noted that no complaint was raised by any pupil. No evidence has been presented which legitimately challenges your version of events. We are aware of a teacher's responsibility to appropriately supervise pupils to ensure their safety. In the specific context of the outdoor activity centre and the circumstances of this case we are not satisfied that this particular amounts to unacceptable professional conduct or conduct which may bring the profession into disrepute.

In respect of particular 3, we have set out above our findings in relation to your actions in seeking to warm children who were outdoors in freezing conditions. We have not found it proven that you engaged in inappropriate contact and we are satisfied that your motives in seeking to warm and reassure the pupils was out of a desire to ensure their safety. We are confident that you were aware of safeguarding requirements. You made contact with the pupils in the presence of other adults and no complaints were raised by the pupils. Given the context of the outdoor centre and the specific circumstances of this case, we do not find that this action would bring the profession into disrepute or that your action amounts to unacceptable professional conduct.

In respect of particular 4, there is no evidence that your actions had any effect upon the pupils or that you exposed the pupils to any harm. We have not seen evidence which could indicate that your actions identify a risk to the pupils or represent a child protection concern. Given the context of the outdoor centre and the specific circumstances of this case, we do not find that this action would bring the profession into disrepute and we do not find your action in overseeing two male pupils urinating outdoors amounts to unacceptable professional conduct.

Accordingly, on the basis of the facts we have found proven in relation to particular 1, we find that your conduct amounts to unacceptable professional conduct and that your conduct brings the profession into disrepute.

Panel's Recommendation to the Secretary of State

We have considered this case very carefully. We have considered the mitigation and evidence presented by Mr Bradley. It is clear that Mr Bradley was a highly experienced and dedicated teacher who had undertaken extensive extra-curricular activities which appears to have benefitted many pupils. We have carefully considered the oral evidence of Witness B who gave professional and character testimonial for Mr Bradley. We have reviewed the professional and character testimonials which Mr Bradley has presented.

It is clear that Mr Bradley has had a long and successful teaching career, spanning approximately 36 years. He has never before had a complaint raised against him and has no previous disciplinary findings. He has led outdoor activity courses including the Duke of Edinburgh Award scheme and outdoor pursuits for children for a number of years.

We have considered the evidence of Mr Bradley which was that he was suffering from a period of stress at the relevant time which had been caused, in part, by his professional commitments. Witness B provided evidence that Mr Bradley acted out of character around the time of the events. We have noted that this evidence has not been challenged by the Teaching Agency.

We have noted that none of the pupils who were on the outdoor activity course in November 2011 raised concerns about the naked streak. We have seen no evidence that any of the pupils – or indeed any other pupils – were at risk from Mr Bradley's behaviour or suffered harm. We are content that this was an isolated, single incident and represented a brief lapse of behaviour during a long teaching career.

We have heard evidence, principally from Mr Bradley, regarding the circumstances which led to him taking part in the streak. Mr Bradley has given evidence that he cannot explain why he streaked with the pupils and he cannot explain what led him to behave in the way he did. We are satisfied on the evidence that he took the conscious decision to agree to streak, then moved out of his sleeping bag, removed his boxer shorts and then ran with pupils in the garden.

We have noted that Mr Bradley acknowledged and acknowledges that he was wrong to behave as he had. However, he gave evidence that he realised on 4 November 2011 that his actions were wrong, yet he did not stop. Whilst Mr Bradley assisted the school with its investigation and made a series of admissions, we have noted that he did not take the initiative and report the event.

It is clear that the incident was a single incident which is set against an extensive career. However, we are concerned that Mr Bradley is unable to explain the thought process which led him to streak. We are concerned that Mr Bradley behaved in the way he did despite his role as the principal teacher leading the school trip and despite his responsibility for the safety of the pupils.

We have considered whether to conclude this case without recommending the imposition of a sanction. However, we have decided that the context of, and issues which surround, Mr Bradley's decision to streak naked with pupils are so serious that it is necessary to recommend that a Prohibition Order is appropriate and, importantly, proportionate. We have reached this decision after very detailed and careful consideration.

In reaching our decision we have reminded ourselves that a sanction is not intended to act punitively but is imposed to reflect the public interest.

A Prohibition Order is necessary and proportionate in this case in order to reflect the seriousness of Mr Bradley's behaviour as well as to uphold public trust and confidence in the standards of conduct expected of the profession. Teachers are role models for pupils and at all times teachers must observe proper boundaries appropriate to their professional position. Mr Bradley's actions in engaging in a naked streak with pupils and, significantly, without being able to explain the reasons that led him to do so shows that he disregarded these key expectations. In our decision, his actions have the potential to undermine public confidence in the profession

We carefully considered whether to recommend that Mr Bradley be given the opportunity to apply for the Prohibition Order to be reviewed. Given the significance of Mr Bradley's mitigation, his previously long and unblemished teaching record and because our concerns relate to a single incident we have decided that it would be proportionate to recommend that Mr Bradley should have the opportunity to seek a review of the Order after a period of two years. We believe that this period, being the minimum possible, is appropriate.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case.

In essence this case is about one event of unacceptable professional conduct. Mr Bradley's actions in engaging in a naked streak with pupils and, significantly, without being able to explain the reasons that led him to do so shows that he disregarded key expectations. His actions have the potential to undermine public confidence in the profession.

I have given careful consideration to the need to be proportionate and to uphold public confidence in the profession. I have given careful consideration to the public interest and to the need for teachers to respect boundaries of behaviour.

On balance I support the recommendation of the panel – this was a serious, albeit one-off incident and Mr Bradley has not been able to offer a clear explanation for his behaviour.

I also support the recommendation of the panel in respect of the review period – being the minimum period that can be imposed of two years.

This means that Mr David 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 12 February 2015, 2 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 David Bradley remains barred from teaching indefinitely.

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

Mr David 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: 5 February 2013