



Teaching  
Regulation  
Agency

# **Ms Rupinder Bains: Professional conduct panel meeting outcome**

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

**March 2018**

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## **Professional conduct panel decision**

<b>Teacher:</b>	Ms Rupinder Bains
<b>Teacher ref number:</b>	3638625
<b>Teacher date of birth:</b>	27 April 1982
<b>TRA case reference:</b>	16395
<b>Date of determination:</b>	29 March 2018
<b>Former employer:</b>	Redbridge Community School, Southampton

### **A. Introduction**

*From 1 April 2018 the National College for Teaching and Leadership (NCTL) has been re-purposed to form the Teaching Regulation Agency (TRA). The panel in this case has made their recommendation as an NCTL panel, however the decision has been made on behalf of the Secretary of State, by a decision maker in the TRA.*

*There has been no material change to the way this hearing was handled and the TRA works on the same legislative basis as the NCTL.*

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 29 March 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Rupinder Bains.

The panel members were Mr Tony James (former teacher panellist – in the chair), Mrs Gail Goodman (teacher panellist) and Mr Ian Hughes (lay panellist).

The legal adviser to the panel was Ms Eve Piffaretti of Blake Morgan LLP solicitors.

In advance of the meeting, the National College agreed to a request from Ms Bains that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Bains provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Bains or her representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 13 March 2018.

It was alleged that Ms Bains was guilty of having been convicted at any time of a relevant criminal offence, in that:

On 12 January 2017 she was convicted at Basingstoke Magistrates' Court of the following:

1. On 29 December 2016 at Basingstoke in Hampshire she drove a motor vehicle, namely a VW Golf with index [redacted] on a road, namely A33, after consuming so much alcohol that the proportion of it in her breath, namely 59 micrograms of alcohol in 100 millilitres of breath exceeded the prescribed limit. Contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;

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

Whilst employed as a teacher of ICT at Redbridge Community School between 1 July 2013 and 6 March 2017 she:

2. Was dishonest, in that she provided false and/or misleading information when informing the School of the events which led to her arrest in connection with allegation 1.

Ms Bains admitted the facts of allegation 1 and that the facts amounted to having been convicted of a relevant offence.

Ms Bains admitted the facts of allegation 2 and that those facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

## **C. Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 1 to 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 3 to 9b

Section 3: Statement of Agreed Facts and Presenting Officer Representations– pages 10 to 16

Section 4: NCTL documents – pages 17 to 117

Section 5: Teacher documents – pages 118 to 123

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Ms Bains, dated 21 December 2017.

## **D. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

In advance of the meeting, the National College agreed to a request from Ms Bains that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

Ms Bains was employed as a teacher of ICT at Redbridge Community School (“the School”) which taught pupils up to Year 11. Ms Bains began working in this role on 1 September 2013 and ceased working in this role on 6 March 2017.

The case involved Ms Bains’s conviction for driving under the influence of alcohol and her dishonest report which she provided to the School, following her arrest.

On 29 December 2016, Ms Bains was involved in a road traffic accident which involved her car hitting a tree. Following this accident, Ms Bains was arrested on suspicion of driving whilst under the influence of alcohol.

When informing the School of the events which led to her arrest Ms Bains was alleged to have acted dishonestly.

On 12 January 2017, Ms Bains pleaded guilty to, and was convicted of, driving whilst under the influence of alcohol on 29 December 2016.

## **Findings of fact**

Our findings of fact are as follows:

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

**You are guilty of having been convicted of a relevant criminal offence, in that:**

**On 12 January 2017 you were convicted at Basingstoke Magistrates Court of the following:**

- 1. On 29 December 2016 at Basingstoke in Hampshire you drove a motor vehicle, namely a VW Golf with index [redacted] on a road, namely A33, after consuming so much alcohol that the proportion of it in your breath, namely 59 micrograms of alcohol in 100 millilitres of breath exceeded the prescribed limit. Contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;**

Ms Bains admits that she was convicted on or around 12 January 2017 at Basingstoke Magistrates' Court of driving a motor vehicle whilst under the influence of alcohol on 29 December 2016, contrary to section 5(1) (a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

She admits that as a result of this conviction she was disqualified from holding or obtaining a driving licence for 16 months reduced by 16 weeks upon the successful completion of a driving course approved by the Secretary of State and ordered to pay a fine of £375.00, CPS Costs of £85 and a victim surcharge of £37.

The panel noted that an offence contrary to section 5(1) (a) of the Road Traffic Act 1988 is committed if a person drives a motor vehicle on a road after consuming so much alcohol that the proportion of it in his or her breath, blood or urine exceeds the prescribed limit. The prescribed limit in England is 35 micrograms of alcohol per 100 millilitres of breath.

Ms Bains pleaded guilty to driving a motor vehicle after consuming so much alcohol that the proportion of it was 59 micrograms per 100 millilitres of her breath, contrary to section 5(1) (a) of the Road Traffic Act 1988.

The panel noted the content of the Memorandum of Entry from Basingstoke Magistrates' Court for 12 January 2017 which is conclusive proof that Ms Bains has been convicted of a criminal offence and the sentence imposed by the court.

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher of ICT at Redbridge Community School between 1 July 2013 and 6 March 2017 you:**

**2. were dishonest, in that you provided false and misleading information when informing the School of the events which led to your arrest in connection with allegation 1.**

Ms Bains admits that she acted dishonestly on 3 January 2017, by providing false information to the School when informing them of the events which led to her arrest in connection with allegation 1.

Ms Bains admits that she acted dishonestly by telling the School that she had only been drinking the night before the car accident on 29 December 2016, when in fact she had been drinking on the same day.

Ms Bains also accepts that her explanation being that this accident occurred because of poor weather conditions was not accepted by the judge when considering the conviction at allegation 1. The panel noted that the difference of view in relation to the effect that weather conditions were a causal factor of the accident, is not pursued by the National College as a feature of dishonesty.

The panel carefully considered the evidence in the case and was satisfied that Ms Bains also provided false and misleading information to the School from her initial disclosure to the headteacher on 3 January 2017 up to 11 January 2017 when she admitted to the School that she had not been truthful with the information she had previously provided in relation to the amount of alcohol that she had consumed, the level of alcohol reading, which was higher than she disclosed to the School and has denied receiving a print out of her breath alcohol level from the police. Furthermore, the panel noted that Ms Bains made no mention that she had hit another car.

The panel first considered Ms Bains state of mind and knowledge at the time that she provided misleading and false information to the School and then considered whether her conduct was honest or dishonest by applying the (objective) standards of ordinary decent people.

The panel was satisfied that Ms Bains' state of mind during the time that she provided misleading and false information to the School was not impacted by her personal circumstances and that she knew the information provided was false and/or misleading.

In the light of the panel finding in relation to Ms Bains's state of mind and knowledge above, it considered whether her conduct was honest or dishonest by applying the (objective) standards of ordinary decent people.

The panel consider Ms Bains's actions were dishonest applying this standard and therefore, find the facts of allegation 2 proven.

## **Findings as to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found the allegation 1 to have been proven, the panel has gone on to consider whether the fact of this proven allegation amounts to a conviction for a relevant offence. The panel noted that Ms Bains accepts that the conviction amounts to conviction for a relevant offence.

The panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which panel refers to as “the Advice”. Having found the facts of allegation 1 proven, the panel finds that Ms Bains’ conviction amounts to a conviction of relevant offence. In doing so it is satisfied that the conduct of Ms Bains in relation to the facts it has found proved, involved a breach of the Teachers’ Standards. The panel consider that by reference to Part Two, Ms Bains is in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of members of the public.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Bains’ behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

This is a case involving a conviction of a serious driving offence involving alcohol which the Advice states is likely to be considered a relevant offence.

The panel has taken into account the limited evidence in the case papers relating to Ms Bains’ record as a teacher. The panel has also taken into consideration Ms Bains written account of the circumstances of the events leading up to the commission of the offence.

The panel has found the nature of the offending behaviour that led to the conviction is relevant to her ongoing suitability to be a teacher. The panel considers that finding this conviction a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel considered whether the facts proven in allegation 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel noted that the statement of agreed facts, Ms Bains accepts that her admitted conduct amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel is satisfied that the conduct of Ms Bains involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Bains 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
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel is satisfied that the conduct of Ms Bains amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In relation to allegation 2, the panel has found that the offence of serious dishonesty is relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel consider Ms Bains' dishonesty to be serious. She was repeatedly dishonest, over a period of time, about the events that led to her arrest and the panel was concerned that she attempted to cover up the events that led to her arrest.

The panel has taken 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 has taken 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 are 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 finds that Ms Bains' actions constitute conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of a conviction of a relevant offence, 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;

namely the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In light of the panel's findings against Ms Bains which involved conviction for a serious driving offence which involved alcohol and serious dishonesty there is a strong public interest consideration in the protection of members of the public given the panel's findings in relation to Ms Bains conviction for a serious driving offences and dishonesty.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Bains 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 Ms Bains was outside that which could reasonably be tolerated.

The panel considered that there was a public interest consideration in retaining a teacher in the profession.

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 Ms Bains given her evidence that she had left the teaching profession.

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 Ms Bains. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence involving driving whilst under the influence of alcohol

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.

There was no evidence that the teacher's actions were not deliberate and the panel is not satisfied that the teacher was acting under duress. In fact the panel found the teacher's actions to be calculated and motivated.

No evidence was presented that Ms Bains had anything but a previously good regulatory history. The panel has been provided with no references that can attest to her abilities as a teacher.

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 consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Bains. The panel's findings of a conviction for a serious driving offence and serious dishonesty 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 recommend that a review period of the order should be considered. The panel was mindful of the Advice 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. One of these behaviours includes serious dishonesty. The panel has found that Ms Bains' conduct involves serious dishonesty. She has not shown insight into, or remorse for, her dishonest conduct. She has instead sought to blame others and repeatedly misled the School.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

## 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 no review period.

In considering this case, I have also 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 the allegations proven and found that those proven facts amount to a conviction of a relevant offence, unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Ms Bains should be the subject of a prohibition order, with no review period.

In particular the panel has found that Ms Bains is in breach of the following standards:

In relation to allegation 1:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

In relation to allegation 2:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel finds that the conduct of Ms Bains fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as in relation to allegation 2 they include a finding of dishonesty where the panel say the, “offence of serious dishonesty is relevant”.

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 Ms Bains, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect the public interest. The panel has observed “In light of the panel’s findings against Ms Bains which involved conviction for a serious driving offence which involved alcohol and serious dishonesty there is a strong public interest consideration in the protection of members of the public given the panel's findings in relation to Ms Bains conviction for a serious driving offences and dishonesty.” A prohibition order would therefore 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, “She has not shown insight into, or remorse for, her dishonest conduct.” The panel has also commented that Ms Bains had, “instead sought to blame others and repeatedly misled the School.” In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the public confidence in declaring and upholding proper standards of conduct in the profession. 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 observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Bains were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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 Ms Bains herself. The panel say, “No evidence was presented that Ms Bains had anything but a previously good regulatory history. The panel has been provided with no references that can attest to her abilities as a teacher.”

A prohibition order would prevent Ms Bains from continuing in the teaching profession. A prohibition order would also clearly deprive the public of her contribution to the profession 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.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Bains has made 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 no review period.

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious dishonesty. The panel has found that Ms Bains' conduct involves serious dishonesty."

The panel has also said that no review period would "not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period."

I have considered whether a 2 year review period, or a review period of a longer time, 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, there are three factors that in my view mean that a two year or longer review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of either insight or remorse, and the fact that Ms Bains sought to blame others and repeatedly misled the School.

I consider therefore that no review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Ms Rupinder Bains 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 her, I have decided that Ms Bains shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Bains has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

**Decision maker: Dawn Dandy**

**Date: 9 April 2018**

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