



Teaching
Regulation
Agency

Ms Beatrix Bernhardt (also known as Maryam Bernhardt): Professional conduct panel outcome

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

March 2022

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Ms Beatrix Bernhardt (also known as Maryam Bernhardt),
Teacher ref number:	-
Teacher date of birth:	26 March 1980
TRA reference:	0017852
Date of determination:	25 March 2022
Former employer:	Al-Istiqamah Learning Centre Limited, London Borough of Ealing

Note: This case was heard with the case of the co-defendant [REDACTED]

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7, 8 and 25 March 2022, remotely, to consider the part-heard case of Ms Bernhardt.

The panel members were Mr Kevin Robertshaw (lay panellist – in the chair), Ms Marjorie Harris (former teacher panellist) and Ms Fiona Tankard (teacher panellist).

The case had been part heard and adjourned on 9 December 2019 following an application by Ms Bernhardt. Subsequent to the adjournment, the TRA replaced one panel member. The current constitution of the panel was notified to Ms Bernhardt by way of the Notice of Proceedings dated 10 November 2021.

The legal adviser to the panel was Mr Phil Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Ben Chapman, of counsel.

Ms Bernhardt was present and were not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 November 2021, as amended following the panel's consideration of a preliminary application as set out below.

It was alleged that Ms Bernhardt was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

1. On 24th October 2018 and at Westminster Magistrates' Court she was convicted by the Chief Magistrate of England and Wales of conducting an unregistered independent educational institution between 3rd September 2017 and 15th November 2017 and contrary to Section 96(2) of the Education and Skills Act 2008 for which she was sentenced to an electronic tag curfew order, payment of costs and payment of a victim surcharge.
2. She was found by the Chief Magistrate of England and Wales to have made a dishonest representation that she was not the head-teacher of the unregistered education institution (Al-Istiqamah Learning Centre, Ealing) during trial for the offence at Allegation 1.

Ms Bernhardt accepted the facts of the allegations, but did not admit that those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

Preliminary applications

Late documents

Both the presenting officer and Ms Bernhardt applied to admit further documents.

Those documents were not served in accordance with the requirements of paragraph 4.20 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and as such the panel is required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from Ms Bernhardt and the presenting officer. There were no objections raised by the opposing party in either case.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents may reasonably be considered to be relevant to the case. With regard to the overall question of fairness, the panel concluded it would be fair to admit the evidence.

The documents submitted by the presenting officer had become available less than one week before the hearing date. In addition, the documents provided key information which the panel would need to consider in order to determine the correct particularisation of the allegations it would need to consider during the hearing.

In relation to the documents submitted by Ms Bernhardt, the panel took into account that she was unrepresented and may therefore not have understood the correct procedure for service of documents under the Procedures. The presenting officer had not objected to late admission of the documents, and the panel did not consider that the TRA would suffer any prejudice by the admission.

By reason of the above, the panel decided to admit each of the documents.

Amendment of the allegations

An application was made by the presenting officer under paragraph 4.56 of the Procedures to amend the Notices of Proceedings dated 10th November 2021 by amending the allegations as follows:

- Replacement of the words “you have been convicted, at any time, of a relevant offence” with the words “you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or were convicted of a relevant offence”

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. Ms Bernhardt was questioned by the panel on her understanding of the allegations and the nature of the amendments which were being proposed.

The panel considered that although the first proposed amendment on its face would change the nature, scope or seriousness of the allegations, it also noted that this amendment would in fact return the allegations to the way in which they had been particularised in an earlier notice of proceedings dated 14 August 2019 and during proceedings when the case was first heard in December 2019 (before being adjourned following an application by Ms Bernhardt).

It was clear from the hearing bundle that the case had been presented on the basis that unacceptable professional conduct and/or conduct that may bring the profession into disrepute would be a part of the case. In addition, the email chain relating to the second proposed amendment included references to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel was satisfied that Ms Bernhardt had therefore been aware of this element of the case against her since 14 August 2019. The panel accepted the presenting officer's submission that the most recent Notices of Proceedings were an 'outlier' and contained an error which had appeared when the TRA had created the documents.

The panel were satisfied that Ms Bernhardt understood the reasons behind the proposed amendment and considered that there would be no actual unfairness or prejudice caused to her should the amendment be made at this stage. The panel also considered that it would not be rational or in the public interest for allegations to be put to Ms Bernhardt in a form which had only arisen due to an administrative error.

The panel therefore decided to amend the allegation as proposed.

Summary of evidence

Documents

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

- Section 1(a): Procedural Documents for TRA v [REDACTED] - pages 2 to 7
- Section 1(b): Procedural Documents for TRA v Beatrix Bernhardt (aka Maryam Bernhardt and Beatrix Kinga Magyaroszag) - pages 9 to 14
- Section 2: TRA Documents (Relevant to both matters) - pages 16 to 134
- Section 3: Teacher Documents for TRA v [REDACTED] (Jointly submitted and relevant to both matters) - pages 136 to 518

The following documents had been provided to the panel in advance of the hearing:

- Notice of Proceedings dated 10 November 2021, addressed to [REDACTED]
- Notice of Proceedings dated 10 November 2021, addressed to Ms Beatrix Kinga Bernhardt

In addition, following applications made by the parties, the panel agreed to accept the following documents, which were then deemed to form part of the hearing bundle from page 519 onwards:

- An email chain (25 February 2022 to 2 March 2022) beginning with an email from Browne Jacobson (employer of the presenting officer) and [REDACTED] and Ms Bernhardt, and ending with in an email between the TRA case officers and a DfE decision-maker, regarding an amendment to the allegations stated on the Notice of Proceedings
- Screenshots (total of 20) of emails between [REDACTED] and/or Ms Bernhardt and Westminster Magistrates Court in relation to obtaining notes of proceedings on 24th October 2018

- Screenshots (total of 10) of emails between [REDACTED] and/or Ms Bernhardt and Local Authorities regarding housing provision
- Council housing offer letter from Ealing Borough Council to [REDACTED] dated 14th February 2020

The panel also referred to the following documents which had previously been provided to it and agreed in December 2019 when the case was first heard:

- An email chain ending with an email from Browne Jacobson (employer of the presenting officer) and [REDACTED], dated 6 December 2019, regarding an application for an adjournment
- A handwritten request for an adjournment dated 9 December 2019, submitted by [REDACTED] on behalf of himself and Ms Bernhardt

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence given under oath by Ms Bernhardt and her co-defendant.

Neither the TRA nor Ms Bernhardt called any witnesses.

Decision and reasons

The panel noted that this decision was being given in the name of Ms Beatrix Bernhardt (also known as Maryam Bernhardt). The panel noted references to other 'aka' names in the hearing bundle, but was not required to make any findings on this point. No negative inference had been drawn by the panel, nor indeed sought by any party, as to the mention of those 'aka' names in the bundle.

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Ms Bernhardt and her co-defendant had been running an organisation named the Al-Istiqamah Learning Centre (the "Centre").

The Centre provided education for children of compulsory school age. By around September 2017, it had about 58 pupils attending at various times through the course of the week.

Ofsted inspectors visited the Centre on 12 October and 14 November 2017. The first inspection resulted in a written warning notice being served. At the end of the second inspection, a warning notice was left at the premises.

Ms Bernhardt was invited for a voluntary interview with Ofsted in December 2017, but did not attend due to health and other personal reasons.

Ms Bernhardt was subsequently charged with the criminal offence of conducting an unregistered independent educational institution between 3 September and 15 November 2017, contrary to section 96(2) of the Education and Skills Act 2008. The case was heard before the Chief Magistrate of England and Wales at Westminster Magistrates Court on 22 and 23 October 2018, and a decision was given on 24 October 2018.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

1) On 24th October 2018 and at Westminster Magistrates' Court you were convicted by the Chief Magistrate of England and Wales of conducting an unregistered independent educational institution between 3rd September 2017 and 15th November 2017 and contrary to Section 96(2) of the Education and Skills Act 2008 for which you were sentenced to an electronic tag curfew order, payment of costs and payment of a victim surcharge.

The panel noted that, although Ms Bernhardt stated that she admitted the allegation, she also stated during her evidence that she did not accept the findings of the court, and felt the court had been misled in reaching its conclusion. The panel therefore gave less weight to the defendant's admissions than they might otherwise have done, and carefully assessed the other evidence presented to it.

The panel found that the allegation was supported by other evidence in the hearing bundle, in particular the memoranda of convictions for 24th October 2018 at Westminster Magistrates Court, dated 22nd July 2019 and signed by a court officer; a Disclosure Print of relevant PNC records; and a copy of the written judgment of the Chief Magistrate.

The panel was aware that its role was not to re-examine the facts of the case and that it was required to accept the conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. There was no evidence put before the panel which suggested that there had not been a conviction as alleged, and the panel did not consider that exceptional circumstances applied. The allegation was therefore found proved.

2) You were found by the Chief Magistrate of England and Wales to have made a dishonest representation that you were not the head-teacher of the unregistered education institution (Al-Istiqamah Learning Centre, Ealing) during trial for the offence at Allegation 1.

Again, although Ms Bernhardt stated that she admitted the allegation, she also stated when giving evidence that she did not accept the court's findings, and clearly disputed the basis on which the judge had reached her decision.

The panel found that the allegation was supported by other evidence presented to the panel in the hearing bundle, in particular the signed Written Judgement of the Chief Magistrate for England and Wales dated 24th October 2018, following a hearing which took place at Westminster Magistrates Court on 22nd and 23rd October 2018. The panel noted that in her judgment, the Chief Magistrate stated (at paragraph 50), "*Ms Bernhardt and [REDACTED] have done their dishonest best to mislead and persuade this court that she was not the head teacher of the school at the relevant time.*"

Noting again that its role was not to re-examine the facts of the case, and that no exceptional circumstances applied in this case, the panel found the allegation proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction, at any time, of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

Unacceptable professional conduct

The panel was satisfied that the conduct of Ms Bernhardt, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Ms Bernhardt was 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:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - not undermining fundamental British values, including ... the rule of law
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether the conduct of Ms Bernhardt displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant. However, the panel was satisfied that her conduct fell significantly short of the standard of behaviour expected of a teacher.

In the panel's view, the manner in which Ms Bernhardt had run the Centre, in breach of the law as found proven at allegation 1, meant that the curriculum studied by the children who attended the Centre was not subject to sufficiently rigorous scrutiny. In addition, there was a risk of issues arising relating to the safeguarding of children's wellbeing.

The panel took into account Ms Bernhardt's evidence that she and her co-defendant had sought to put in place certain policies, procedures, behaviour rules and other systems to provide a structure to the way the Centre was run. However, the panel also noted that, as a result of the decision not to register the Centre, it was not subject to relevant guidelines and important safeguards including in particular the Ofsted inspection regime. The panel was aware that not all those working at the Centre had recognised qualifications in teaching children. The panel did not believe that Ms Bernhardt fully understood the purpose of, or reason behind, the relevant professional standards. She was not experienced in running a school or teaching children in a professional setting, and did not have a relevant qualification in teaching children. She had, by the way she had run the Centre, appeared to reject the idea of making herself accountable to professional scrutiny. This risked safeguarding issues. In the panel's view, this behaviour in itself would amount to serious misconduct.

Accordingly, the panel was satisfied that Ms Bernhardt was guilty of unacceptable professional conduct in relation to both allegations 1 and 2.

Conduct that may bring the profession into disrepute

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether the conduct of Ms Bernhardt displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant.

However, the panel noted that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". In this case, as found proven in relation to allegation 1, Ms Bernhardt had shown disregard for, sought to avoid, and broken, the law, in relation to the provision of education. She had not shown willing to assist Ofsted in carrying out its legal duties.

Additionally, as found proven in relation to allegation 2, Ms Bernhardt had been dishonest. The panel noted that Ms Bernhardt had attempted to perpetuate some of the arguments put forward during the criminal trial rather than addressing the issues relating to this hearing.

In the panel's view, Ms Bernhardt's conduct in relation to the running of the Centre could potentially damage the public's perception of a teacher. The criminal case received significant media attention and became widely known in the public sphere.

The panel therefore found that actions of Ms Bernhardt in relation to both allegations 1 and 2 constituted conduct that may bring the profession into disrepute.

Conviction of a relevant offence

The panel had already found that the behaviour of Ms Bernhardt, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel noted that the actions of Ms Bernhardt in respect of allegation 1 were relevant to teaching, working with children and/or working in an education setting. The behaviour involved in committing the offence may have had an impact on the safety and/or security of pupils, due to the way in which the Centre was placed outside of the usual system of inspection and regulation. The way in which Ms Bernhardt had sought to avoid the legal and regulatory frameworks put in place to safeguard the interests of children was incompatible with the role of a teacher, who is a person placed in a position of trust with a duty of care to their pupils.

The panel also took account of the way the teaching profession is viewed by others. As previously noted, the panel considered that Ms Bernhardt's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the behaviour of Ms Bernhardt in relation to allegation 1 did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum. However, the gravity of the offence in the educational context was increased in the panel's view by the number of children potentially affected.

The panel also noted that the offence in this case was not on the list of offences set out in the Advice. However, the panel acknowledged that the Advice is not intended to be exhaustive and there may be other offences that panels consider to be "a relevant offence". Here, there was an intrinsic connection between the offence in question and the provision of education to children.

The panel took into account evidence of mitigating circumstances and the intentions behind the setting up and running of the Centre, as well as the written evidence that was adduced attesting to the value of the Centre to certain parents in the community. The panel also considered the evidence of Ms Bernhardt and her co-defendant as to the

steps that they had taken to try to understand the relevant system of regulation and the requirements to register an independent school.

However, after weighing up all factors before it, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Bernhardt's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel found that allegation 2 was not relevant to its consideration of conviction of a relevant offence, as it in itself did not amount to a conviction.

The panel therefore found that Ms Bernhardt's actions in relation to allegation 1 amounted to conviction of a relevant offence.

Summary

Therefore, having found the facts of allegations 1 and 2 proven, the panel further found that Ms Bernhardt's conduct amounted to unacceptable professional conduct, conduct that may bring the profession into disrepute and (in relation to allegation 1) conviction, at any time, of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence, it was 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by the individuals and whether a prohibition order is necessary and proportionate. 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 case of *TRA v Dr Clement Earle* (decided in June 2021) was brought to the attention of the panel by the presenting officer, and the panel read a copy of that decision as part of its deliberations.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found all of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Bernhardt, which involved a conviction for the offence of running an unregistered independent educational institution, there was a strong public interest consideration in the need to safeguard pupils and ensure their wellbeing, and to ensure that pupils could receive a high quality education in line with relevant standards.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Bernhardt was outside that which could reasonably be tolerated.

There was also a strong public interest in upholding public trust in the profession and maintaining high standards of ethics and behaviour. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Bernhardt was not treated with the utmost seriousness when regulating the conduct of the profession.

Whilst there was some evidence that Ms Bernhardt had abilities as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in allowing Ms Bernhardt to be members of the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, which the panel acknowledged is not exhaustive, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values including the rule of law;
- a deep-seated attitude that leads to harmful behaviour; and
- dishonesty or a lack of integrity.

The panel considered that, by operating an unregistered school, Ms Bernhardt had failed to act within the statutory frameworks which set out teachers' professional duties and responsibilities. In the panel's view, this was a serious departure from the personal and

professional conduct elements of the Teachers' Standards, and presented a potential risk to the safeguarding and wellbeing of pupils.

The panel had decided that Ms Bernhardt had been convicted of a relevant offence, and that a finding of dishonesty had been made against her by the Chief Magistrate. Furthermore, the panel was not convinced, based on the evidence it had heard, that there had been any change in the attitude of Ms Bernhardt since her conviction.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to teach, the panel went on to consider whether there were mitigating circumstances.

The panel considered, based on the evidence it read and heard, that Ms Bernhardt's actions were deliberate. There was no evidence to suggest that she was acting under any duress. There was limited evidence for the panel to consider in respect of her contribution to the education sector.

Proportionality

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 would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Bernhardt of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate for both individuals. The panel decided that the public interest considerations outweighed the interests of Ms Bernhardt. The significant factors in forming that opinion were: the element of dishonesty to the case; the potential risks in relation to the safeguarding and wellbeing of children; and Ms Bernhardt's continuing attempts to circumvent the system of regulation of the education sector. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed in respect of Ms Bernhardt with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend a review period of the order. The panel was mindful that the Advice states 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 panel took account of the letter provided in the hearing bundle containing positive statements from some of the parents who brought their children to the Centre. However, the panel was not convinced that Ms Bernhardt fully understood or accepted the need for registration of independent schools, despite the considerable time that had elapsed since her conviction. In the panel's view, it had been presented with the same arguments from Ms Bernhardt as had been put forward at the time of the criminal convictions.

However, the panel felt that it might be possible for Ms Bernhardt, over time, to gain insight that she could demonstrate to a future panel. The panel decided that the findings indicated a situation in which a review period would be appropriate and that this review period would need to be sufficient so as to allow Ms Bernhardt to address the deep-seated behaviours that she had displayed. As such, the panel decided that it would be proportionate, in all the circumstances, for prohibition orders to be recommended with provisions for a review period of 4 years.

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 both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In addition the panel found that in respect of Allegation 1, this also amounted to a relevant criminal conviction.

The panel has made a recommendation to the Secretary of State that Ms Beatrix Bernhardt should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Ms Bernhardt 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:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - not undermining fundamental British values, including ... the rule of law
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also "considered whether the conduct of Ms Bernhardt displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The

panel found that none of these offences was relevant. However, the panel was satisfied that her conduct fell significantly short of the standard of behaviour expected of a teacher.”

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 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 Bernhardt, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and, or, safeguard pupils. The panel has observed, “In the panel’s view, this was a serious departure from the personal and professional conduct elements of the Teachers’ Standards, and presented a potential risk to the safeguarding and wellbeing of pupils.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “However, the panel was not convinced that Ms Bernhardt fully understood or accepted the need for registration of independent schools, despite the considerable time that had elapsed since her conviction. In the panel’s view, it had been presented with the same arguments from Ms Bernhardt as had been put forward at the time of the criminal convictions.”

In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. 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, “The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.”

I am also 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 the public might regard a failure to impose a prohibition order 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 Bernhardt herself. The panel comment “There was limited evidence for the panel to consider in respect of her contribution to the education sector.”

A prohibition order would prevent Ms Bernhardt from teaching and 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, “The panel decided that the public interest considerations outweighed the interests of Ms Bernhardt. The significant factors in forming that opinion were: the element of dishonesty to the case; the potential risks in relation to the safeguarding and wellbeing of children; and Ms Bernhardt’s continuing attempts to circumvent the system of regulation of the education sector”.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Bernhardt 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, in light of the circumstances in this case, that is not backed up by full 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 4 year review period.

I have considered the panel’s comments, “However, the panel felt that it might be possible for Ms Bernhardt, over time, to gain insight that she could demonstrate to a future panel. The panel decided that the findings indicated a situation in which a review period would be appropriate and that this review period would need to be sufficient so as to allow Ms Bernhardt to address the deep-seated behaviours that she had displayed. As such, the panel decided that it would be proportionate, in all the circumstances, for prohibition orders to be recommended with provisions for a review period of 4 years.”


I have considered whether a 4 year review period 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, the factors which mean that a 4 year review is necessary are the safeguarding risks, the dishonesty found and the lack of insight or remorse.

I consider therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Beatrix Bernhardt is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 5 April 2026, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Beatrix Bernhardt remains prohibited from teaching indefinitely.

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

Ms Beatrix Bernhardt 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 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 29 March 2022

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