



Teaching
Regulation
Agency

Mr Ieuan Bancroft: Professional conduct panel outcome

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

January 2024

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

Teacher:	Mr Ieuan Bancroft
Teacher ref number:	1986707
Teacher date of birth:	13 February 1997
TRA reference:	19930
Date of determination:	10 January 2024
Former employer:	Freebrough Academy, Brotton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 6 November 2023 to 10 November 2023 and then on 8 December 2023 and on 10 January 2024, to consider the case of Mr Ieuan Bancroft.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Miss Victoria Miller (teacher panellist) and Ms Wendy Shannon (lay panellist).

The legal adviser to the panel was Ms Eleanor Brown of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Mr Mark Millin, Solicitor Advocate of Kingsley Napley Solicitors.

Mr Ieuan Bancroft was not present and was 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 25 July 2023.

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

1. Between on or around 01 September 2020 and 25 November 2020, he displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff, as set out in Schedule 1, when he knew or ought to have known that this was not appropriate.
2. Between on or around 01 September 2020 and 25 November 2020, he displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff in relation to one or more pupils, as set out in Schedule 2, when he knew or ought to have known that this was not appropriate.
3. His conduct as set out at allegation 1 and/or 2 was of a sexual nature and/or sexually motivated.

Schedule 1

1. *You said to Individual A to “suck my dick” or words to that effect;*
2. *You asked Individual A if she was a lesbian or words to that effect;*
3. *You said to Individual A that you were bi and/or that you “had a bad gag reflex” and/or you “hadn’t sucked dick in ages’ or words to that effect;*
4. *When asked by Individual A why you had become a teacher, you said “I like kids” or words to that effect, and made a sexual hand gesture.*

Schedule 2

1. *You said that in relation to one or more pupils, “that kid should go and kill themselves”, or words to that effect;*
2. *You said to Individual A that “a student was doing my fucking head in” or words to that effect;*
3. *You left a note for Individual D stating “I have to leave as a pupil is irritating me (or winding me up) as he is muttering all the time. I don’t want to say something I shouldn’t” or words to that effect;*

4. *You said to Individual E “why is it OK for the kids to listen to you more and respect you more, why does Pupil H need to fiddle rather than fucking listen to me”, or words to that effect;*
5. *You said in the staffroom that “kids could do with a good beating” and/or that you could “knock them out as they need to behave and grow up”, or words to that effect;*
6. *You asked Individual F “how far would you think an inappropriate relationship with a student goes”, or words to that effect;*
7. *On or around 11 November 2020, to another member of staff you referred to a pupil as “the handsome one with the (REDACTED) hair” or words to that effect;*
8. *In a classroom, you said that “we need to get the little shits out”, or words to that effect regarding one or more pupils at the school;*
9. *In the staffroom, you said that “that lesson was so shit, it was horrible and the kids weren’t listening”, or words to that effect;*
10. *You said “I hate that effing student”, or words to that effect to Individual E;*
11. *You said to Individual G “I do not like Pupil I, I think he is a fucking cunt” or words to that effect.*

In the absence of any response from Mr Bancroft, the allegations were not admitted. Mr Bancroft does not admit the allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in absence

Mr Bancroft was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Bancroft.

The panel was provided with a bundle of documents relevant to the presenting officer’s application to proceed in the absence of the teacher which demonstrated a number of attempts by the TRA to contact Mr Bancroft. This included recent attempts to contact Mr Bancroft by email. The panel considered that it was fair to admit these documents in order that it could ascertain Mr Bancroft’s position in respect of his attendance at the hearing.

After making enquiries of the presenting officer, the panel was satisfied that the TRA had complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”). The

presenting officer provided to the panel evidence that the TRA had sent to the teacher the Notice of Hearing to the email address that he had previously been using to correspond with the TRA and that it had been sent to Mr Bancroft's known postal address. Therefore the panel was satisfied that the Notice of Hearing had been properly served to the teacher in accordance with the requirements of paragraph 19(1) (a) to (c) of the Regulations. The panel was also satisfied that the TRA had done all it reasonably could to notify Mr Bancroft of the professional conduct panel hearing.

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. In particular:

- The panel concluded that Mr Bancroft's was or ought to have been aware that the proceedings were taking place and the means by which they were being heard. The panel considered that Mr Bancroft had waived his right to be present at the hearing;
- The panel noted that Mr Bancroft had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing;
- Any adjournment would be for a minimum of 10 weeks in order that notice of a rescheduled hearing could be given;
- Mr Bancroft was unrepresented and has expressed no wish for the hearing to be adjourned in order to obtain legal representation.

- The panel has the benefit of Mr Bancroft's representations and are able to ascertain the lines of defence. The panel noted that all witnesses relied upon are to be called to give evidence and the panel would be able to test that evidence in questioning those witnesses, considering such points as are favourable to the teacher as were reasonably available on the evidence;
- There was no medical evidence before the panel that Mr Bancroft was unfit to attend the hearing;
- The panel recognised that the allegations are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that Mr Bancroft ought to be prohibited from teaching.
- The panel considered that it was in the public interest for the hearing to take place, particularly given the time that had already elapsed between the alleged conduct that gave rise to the allegations against Mr Bancroft and the professional conduct panel hearing, some three years; and
- Finally, the panel considered the effect on the TRA's seven witnesses of a further delay to these proceedings, and that it would be inconvenient for them to be available at a rescheduled hearing. Delaying the case may impact on the memories of those witnesses.

After consideration of all of the evidence, the panel decided to proceed with the hearing in the absence of Mr Bancroft. The panel considered that these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing as scheduled in light of:

- Mr Bancroft's waiver of his right to appear;
- the inconvenience an adjournment would cause to the witnesses; and
- the availability of measures referred to above regarding the testing of evidence to address any unfairness insofar as possible.

Admissibility of late evidence

The panel also considered an application from the TRA in relation to the admissibility of late evidence.

The presenting officer applied to admit a further witness statement from Individual C which he confirmed was inadvertently omitted from the main hearing bundle due to human error. This witness statement was not served in accordance with the requirements of paragraph 5.36 of the Procedures, and as such the panel was

required to decide whether that document should be admitted under paragraph 5.33 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer to the admission of the document. The panel exercised caution in exercising this discretion given that it has determined to proceed with this hearing in the absence of the teacher.

Under paragraph 5.33 of the Procedures, the panel noted that it 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 document was relevant to the case as it provided evidence in relation to the allegations to be considered.

With regard to the overall question of fairness, the panel noted that the document had been omitted by inadvertent human error and had been sent to Mr Bancroft as soon as the error had been realised. The panel noted that Mr Bancroft had been in possession of the document for over three weeks and had therefore had sufficient opportunities to make representations about it if he had chosen to do so. Individual C was being called to give oral evidence and their evidence could be tested by the panel in questioning them.

By reason of the above, the panel decided to admit the document and noted that it should be paginated as set out below.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 6

Section 2: Notice of proceedings and response – pages 7 to 22

Section 3: Teaching Regulation Agency witness statements – pages 23 to 41

Section 4: Teaching Regulation Agency documents – pages 42 to 355

Section 5: Teacher documents – pages 356 to 370

Section 6: TRA Skeleton Submissions – pages 371 to 385

In addition, the panel agreed to accept the following:

Section 7: TRA documentation in relation to service of the Notice of Hearing and communications with Mr Bancroft – pages 386 to 430

Section 8: Additional TRA witness statement – pages 431 to 433

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 from the following witnesses all called by the presenting officer and all of whom had worked at the School at the material time and had witnessed the allegations raised by the TRA:

1. (REDACTED) - Individual B;
2. (REDACTED) - Individual A;
3. (REDACTED) - Individual E;
4. (REDACTED) - Individual F;
5. (REDACTED) - Individual G;
6. (REDACTED) - Individual D;
7. (REDACTED) - Individual C.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Bancroft commenced employment at the School on 1 September 2020 as part of the Teach First training scheme as a trainee teacher of modern foreign languages. On 25 November 2020, concerns were raised to the (REDACTED) of the School by another teacher about Mr Bancroft making inappropriate comments.

The (REDACTED) at the School met with Mr Bancroft to discuss those concerns which were then reported to the LADO and to Northern Education Trust's Human Resources department. Mr Bancroft was suspended with immediate effect on 25th of November 2020. The School conducted a disciplinary investigation throughout December 2020 – January 2021. Mr Bancroft was dismissed from employment at the School on 5 March 2021. The matter was referred to the TRA by the School on 31 March 2021.

Findings of fact

The findings of fact are as follows:

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

- 1. Between on or around 01 September 2020 and 25 November 2020, you displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff, as set out in Schedule 1, when you knew or ought to have known that this was not appropriate.**

Schedule 1 (1). You said to Individual A to “suck my dick” or words to that effect;

The panel heard separate evidence from Individual A and Individual B in relation to this allegation. Both Individual A and Individual B provided a clear and consistent account of the background to the allegation. Both witnesses explained to the panel how they were finishing work at the end of the school day and were travelling home together in a shared car. (REDACTED). Individual A was sharing a lift with Mr Bancroft and Individual B as Individual A’s car was in the garage. Individual A and Individual B explained in their evidence that Individual A had suggested to both Mr Bancroft and Individual B that they finish their work and go home. In response, both witnesses confirmed Mr Bancroft replied to Individual A by saying “suck my dick”; Individual A confirmed that Mr Bancroft repeated the same comment when asked for clarification of what he had said. Both witnesses suggested in their separate evidence to the panel that they felt the comment was inappropriate as Mr Bancroft did not know Individual A well; further that the comment left both Individual A and B shocked as the comment came out of nowhere.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal disciplinary investigation and his submissions to the TRA in relation to this allegation. The panel noted how Mr Bancroft had not provided an express denial to making the statement “suck my dick” when interviewed in either investigation; Mr Bancroft replied that he had never said that to a child when questioned as part of the School disciplinary investigation. Further, the panel noted that when Mr Bancroft was questioned as part of the School disciplinary investigation about why his colleagues may be raising concerns, he replied to state that he may have overstepped the mark with Individual A. In relation to other allegations, Mr Bancroft had provided to the School and the TRA an express denial to other specific allegations when questioned. Further, the panel noted that Mr Bancroft’s comment about overstepping the mark with Individual A may therefore indicate that he had made an inappropriate statement as alleged.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual A and Individual B to be credible and

more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Bancroft did say to Individual A to 'suck my dick' or words to that effect. In reaching this decision the panel considered how Individual A and Individual B's account of events that had taken place were consistent in their statements to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. The panel also took into account the evidence of Mr Bancroft that he had potentially overstepped the mark with Individual A further implying that the words in the allegation had been said.

The panel noted that both Individual A and Individual B thought Mr Bancroft had made the statement "suck my dick" as a joke. However, the panel concluded that the statement was inappropriate. Whilst the panel noted that this statement was likely to have been a throw away comment made by Mr Bancroft and said in a private setting away from students; it was not language that should be used towards a colleague in any professional setting and that Mr Bancroft ought to have known this. Further, this conclusion was reached by the panel because the incident made both Individual A and Individual B feel uncomfortable; moreover Individual A told the panel in evidence that they were shocked when they heard the comment.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

Schedule 1(4).When asked by Individual A why you had become a teacher, you said "I like kids" or words to that effect, and made a sexual hand gesture;

The panel heard evidence from Individual A in relation to this allegation. Individual A said that during a discussion with Mr Bancroft they asked him why he had decided to become a teacher to which he replied "I like kids" making a masturbating gesture with his hand. Individual A said that from the tone of Mr Bancroft's voice, it sounded as if he was joking and did not mean this in a serious way. Individual A told the panel that they replied to Mr Bancroft to say that he could not say that; that they felt uncomfortable that he had made this comment, and felt that it was an inappropriate thing for a teacher to say.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal disciplinary investigation in relation to this allegation. The panel noted how Mr Bancroft confirmed the conversation had taken place but expressly denied making the masturbating hand gesture as alleged by Individual A. By way of explanation, Mr Bancroft confirmed that he did talk with his hands a lot, therefore he may have done one of his hand movements, which may have been misconstrued. The panel also reviewed Mr Bancroft's response to the TRA which again confirmed the conversation

had taken place in which he confirmed he liked kids but expressly denied making a masturbating hand gesture. Mr Bancroft confirmed in his response to the TRA that he moves his hands when he speaks, that Individual A must have misunderstood his hand movements jumping to an incorrect conclusion. The panel noted that Mr Bancroft using his hands to communicate was corroborated by witness Individual F in their evidence to the panel; Individual F confirmed that Mr Bancroft “was enthusiastic with his hands”.

In examining this allegation, the panel also took into account the difficulties that may be encountered in interpreting a hand gesture rather than spoken words particularly in circumstances where an individual is noted to be expressive with their hands. To better understand the events, the panel reviewed the account of the allegation provided by Individual A to the School as part of its disciplinary investigation and then to the TRA in preparation for the hearing. The panel noted that Individual A had provided a consistent account of the allegation. Further, under cross examination Individual A was asked to provide a demonstration of the hand gesture. The panel noted Individual A was specific in the gesture they made; further, the panel considered the gesture was unlikely to be misconstrued.

After considering all of the evidence, the panel found on the balance of probabilities the comments described by Individual to be credible and more likely than not to have occurred. In reaching this decision the panel noted that Mr Bancroft had corroborated Individual A’s evidence that he had said “I like kids”. The panel then considered whether Mr Bancroft had made the masturbating hand gesture as alleged. The panel considered how Individual A’s account of events was consistent in their statements to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. The panel also considered the hand gesture alleged was unlikely to have been misconstrued due to specific nature and demonstration of the hand movement despite evidence which supported Mr Bancroft was enthusiastic with his hand gestures.

The panel noted that Individual A had provided evidence that Mr Bancroft had made the statement and hand gesture as a joke. However, the panel concluded that making the statement and hand gesture together was inappropriate as it implied there was a sexual connotation to his comment. Whilst the panel noted that this statement and hand gesture were likely to have been a throw away comment / gesture made by Mr Bancroft in a private setting away from students; the panel considered it was not behaviour that any teacher should ever intimate regardless of the informal nature of the setting. The panel concluded Mr Bancroft ought to have known this.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

2. Between on or around 01 September 2020 and 25 November 2020, you displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff in relation to one or more pupils, as set out in Schedule 2, when you knew or ought to have known that this was not appropriate;

Schedule 2 (1). You said that in relation to one or more pupils, “that kid should go and kill themselves”, or words to that effect;

The panel heard evidence from Individual B who provided a clear and consistent account of the background to the allegation. Individual B said Mr Bancroft said this to them when leaving the School one evening when driving home in their car share; (REDACTED). Individual B provided evidence to the panel that Mr Bancroft had said “that kid should go and kill themselves” in the context of students behaving badly during his lessons. Further, Individual B also told the panel that he often heard Mr Bancroft using the phrase “I want to kill myself” or “they should kill themselves fairly often”, when upset or after a bad day.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal investigation in relation to this allegation. The panel noted that Mr Bancroft advised that students can be frustrating but refused and denied ever saying students should go and kill themselves. The panel considered this type of phrase was consistent with some of the other language used by Mr Bancroft as described by other witnesses; the panel considered it was also more likely than not the type of phrase which may be said in the context of Mr Bancroft having difficulties in classroom control and meeting the demands of his teaching role. Therefore, after considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual B to be credible and more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Bancroft did say in the presence of Individual B “that kid should go and kill themselves” or words to that effect. In reaching this decision the panel considered how Individual B’s account of events that had taken place was consistent in his statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing.

The panel then considered whether the phrase “that kid should go and kill themselves” was inappropriate and whether Mr Bancroft knew or ought to have known that this was

not appropriate. In consideration of this, the panel took into account that the comment was made in private after work and not within an educational setting. Further, the panel took into account the fact that there was evidence provided by all witnesses that Mr Bancroft was (REDACTED) and more broadly his teaching obligations. The panel noted that there was very little evidence Mr Bancroft was being supported and consider that this statement was a reflection of his (REDACTED) on teaching in an early stage of his career.

Notwithstanding the above, the panel recognised that the statement “that kid should go and kill themselves” was, on the balance of probabilities an inappropriate statement to make about any students or young persons in any context. Further, the panel noted that Mr Bancroft should have known or ought to have known that this was not appropriate.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

Schedule 2(5). You said in the staffroom that “kids could do with a good beating” and/or that you could “knock them out as they need to behave and grow up”, or words to that effect;

The panel heard evidence from Individual E in relation to this allegation. Individual E provided a clear and consistent account of the allegation. Individual E said that they recalled that on one occasion in the staff room Mr Bancroft said that “kids could do with a good beating” and you could “knock them out as they need to behave and grow up” or words to that effect. Individual E recalled that they had not heard the earlier part of the conversation but recalled Mr Bancroft appeared frustrated. Individual E recalled that other members of staff were present in the staffroom; Individual E recalled that one member of staff interrupted Mr Bancroft to remind him not to speak in that way. Individual E confirmed in their evidence to the panel that in their view no other member of staff at the school would make statements of this nature about students and that staff were sensitive to the difficult backgrounds of many of the pupils at the school.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal disciplinary investigation and in his submissions to the TRA in relation to this allegation. The panel noted how Mr Bancroft denied that he had ever said or suggested student behaviour should be met with violence or physical punishment. The panel noted Mr Bancroft’s admission to the TRA that he did not always have full control of his classrooms but that he recognised this was something he was required to work on and that a student’s difficult home life may be a reason for their failure to meet expectations in school.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual E to be more credible and more likely than not to have occurred. In reaching this decision the panel considered how Individual E's account of events was consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. The panel further noted how the evidence of Individual E in respect of allegation Schedule 2(4) was also consistent further supporting the credibility of Individual E's evidence.

The panel then considered whether the statement made by Mr Bancroft in the staff room was inappropriate and / or whether he knew or ought to have known that this was not appropriate. Whilst the panel noted that the statement "kids could do with a good beating" and/or that Mr Bancroft could "knock them out as they need to behave and grow up", or words to that effect were likely said in frustration (the panel accepting Mr Bancroft's evidence that he was having difficulties in the management of classroom behaviour); it was not language that should be used in any professional setting. In respect of this allegation, the panel also noted how this language implied a physical threat to a child, the phrases used went further than Mr Bancroft expressing his own personal frustrations as in other allegations. The panel noted that teachers should always act in the best interests of their students, making statements inferring any type of physical threat towards a child would amount to inappropriate conduct. Further the panel noted that Mr Bancroft should have been aware that this would amount to inappropriate conduct given his statements made to the TRA investigation about student behaviour never being met with violence or physical punishment.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

Schedule 2(10). You said "I hate that effing student", or words to that effect to Individual E;

The panel heard evidence from Individual E in relation to this allegation. Individual E provided a clear and consistent account of the allegation. Individual E said that they recalled on more than one occasion that they witnessed Mr Bancroft say, "I fucking hate that student" or words to that effect, after being frustrated by certain pupils' behaviour during his lessons. Individual E said that they had heard Mr Bancroft say this statement or words to that effect in the staffroom, in corridors and on one occasion in a classroom once all of the students had left directing the statement at one particular student, student H.

Individual E confirmed that they often heard Mr Bancroft swear in casual conversation but clarified that they did not hear him swear in front of or around pupils. Further, Individual E confirmed in their evidence in chief to the panel that in their view no other

member of staff at the school would make statements of this nature about students and that staff were sensitive to the difficult backgrounds of many of the pupils at the school which in most instances contributed to their behaviour when at School.

Further in respect of this allegation, the panel noted the evidence of Individual G, who also confirmed in their evidence that they had heard Mr Bancroft say that he “hated” a student. Individual G confirmed that they had witnessed Mr Bancroft saying this statement in an angry tone. Finally the panel noted evidence contained within the TRA bundle from (REDACTED) provided as part of the School disciplinary investigation. The statement made by (REDACTED) as part of the School disciplinary investigation stated that Mr Bancroft could be aggressive in a verbal way, especially about students, providing examples such as “I hate that effing student”.

The panel noted the hearsay evidence of (REDACTED) further supported the accounts of both Individual E and Individual G who had provided evidence to the panel. In the absence of Mr Bancroft the panel reviewed his response to the allegation provided to the TRA. The panel noted that whilst Mr Bancroft denied hating any student he did not deny making the statement as alleged. The panel noted that unlike some other allegations, Mr Bancroft had not denied making the statement.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual E to be more credible and more likely than not to have occurred. In reaching this decision the panel considered how Individual E’s account of events was consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. In addition, their account of events was also supported by Individual G’s evidence to the panel and further, the hearsay evidence of (REDACTED). Finally, the panel noted how the evidence of Individual E in respect of allegations Schedule 2 (4) and (5) were also consistent further supporting the credibility of Individual E’s evidence.

The panel then considered whether the statement made by Mr Bancroft was inappropriate and / or whether he knew or ought to have known that this was not appropriate. In respect of this allegation, the panel noted how this language was directed by Mr Bancroft about a specific student rather than a more general expression of his own frustration. Again, the panel noted that teachers should always act in the best interests of their students, making statements inferring any type of hatred towards a student in their care would amount to inappropriate conduct. Further the panel noted that Mr Bancroft should have been aware that this would amount to inappropriate conduct given his statements made in his disciplinary investigation with the School that he knew and adhered to the teachers standards.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

Schedule 2(11). You said to Individual G "I do not like Pupil I, I think he is a fucking cunt" or words to that effect.

The panel heard evidence from Individual G in relation to this allegation. Individual G provided a clear and consistent account of the allegation. Individual G confirmed to the panel that when arriving at the School during the Autumn term of 2020 they overheard Mr Bancroft saying "I don't like him, I think he is a little cunt" in the staff room. Individual G said Mr Bancroft appeared angry, they asked him what was the matter, and said that a student in his previous lesson had been misbehaving. Individual G confirmed to the panel they were confident Mr Bancroft used the word "cunt". Individual G explained this was not a word they would ever use which is why they were so shocked by it, especially in a school staff room. Individual G confirmed that they took immediate steps to report the incident to another teacher with their report then being escalated to the Senior Leadership Team. The panel accepted Individual G's evidence that they had reported the incident at the time.

The panel reviewed all relevant evidence in particular, the response he had provided to the School as part of its internal disciplinary investigation and to the TRA in relation to this allegation. In Mr Bancroft's response to the School he expressly denies ever making the statement "I do not like Pupil I, I think he is a fucking cunt" as alleged. The panel noted that within the School's disciplinary investigatory meeting and as part of his response to the TRA, Mr Bancroft did not expressly deny making the comment.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual G to be credible and more likely than not to have occurred. The panel noted that Individual G did not come into regular contact with Mr Bancroft and was distanced from the classroom environment.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Bancroft did say "I do not like Pupil I, I think he is a fucking cunt" or words to that effect. In reaching this decision the panel considered how Individual G's account of events that had taken place were consistent in their initial report to the School, their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing.

The panel then considered whether the statement made by Mr Bancroft was inappropriate and / or whether he knew or ought to have known that this was not appropriate. In respect of this allegation, the panel noted how this language was directed by Mr Bancroft at a specific student rather than a more general expression of

his own frustration. The panel noted it was an expression of extreme disrespect targeting a specific pupil. The panel noted that making such extreme statements to a targeted student would amount to inappropriate conduct.

Therefore, the panel concluded that on the balance of probabilities this allegation was proven.

3. Your conduct as set out at allegation 1 and/or 2 was of a sexual nature and/or sexually motivated.

The panel only considered allegations upheld in 1 and 2 above in relation to allegation 3. These allegations were Schedule 1 (1) and (4) and Schedule 2 (1), (5), (10) and (11).

The panel's attention was drawn to the legal advice in relation to the definition of sexual nature and sexual motivation, in particular section 78 Sexual Offences Act 2003 and to the cases of *Basson v General Medical Council* [2018] and *The General Medical Council v Haris* [2020] EWHC 2518. The panel first considered in relation to the allegations found proven whether Mr Bancroft's words and / or actions were of a sexual nature, the panel concluded that allegations (1) and (4) within Schedule 1 were of a sexual nature.

In allegation (1) within Schedule 1 the panel concluded the phrase "suck my dick" could only be sexual in nature as the phrase referenced a sexual act. Allegation (4) within Schedule 1 concerned the action of making a sexual hand gesture. The panel concluded this sexual hand gesture could only be considered to be sexual in nature because it was mimicking a sexual act.

The panel concluded that none of the proven allegations contained within Schedule 2 were of a sexual nature. The panel noted that none of the proven allegations contained within Schedule 2 referred to sexual acts or sexual gestures. The use of the words "fuck" and "cunt" within the allegations in Schedule 2 whilst could be considered to be references to sexual acts / sexual body parts are more commonly used as swear words. The words "fuck" and "cunt" in the allegations contained within Schedule 2 were attached to sentiments of dislike or hatred which suggested to the panel the nature of the words was not sexual.

Turning to the consideration of sexual motivation, the panel only considered allegations (1) and (4) within Schedule 1 which were considered to be sexual in nature. The panel noted that in respect of the allegations there was no evidence to support Mr Bancroft had said the words and performed the masturbation gesture because of any sexual motivation. The panel noted the definition of sexual in s78(1)(b) of the Sexual Offences Act 2003 but considered there was no evidence presented to the panel which confirmed Mr Bancroft's purpose was intended to be sexual. The

panel noted that all witnesses when asked in evidence or cross examination confirmed that Mr Bancroft's words or actions had been borne out of frustration or anger rather than sexual motivation due to his inability to successfully manage student behaviour.

Therefore the panel concluded that allegations (1) and (4) within Schedule 1 were of a sexual nature but that no allegations were sexually motivated.

The panel found the following particulars of the allegations against you not proved, for these reasons:

- 1. Between on or around 01 September 2020 and 25 November 2020, you displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff, as set out in Schedule 1, when you knew or ought to have known that this was not appropriate.**

Schedule 1(2). You asked Individual A if she was a lesbian or words to that effect;

Schedule 1(3). You said to Individual A that you were bi and/or that you 'had a bad gag reflex' and/or you "hadn't sucked dick in ages" or words to that effect;

The panel considered allegations (2) and (3) of Schedule 1 together as they related to the same alleged conversation between Mr Bancroft and Individual A.

The panel heard evidence from Individual A in relation to this allegation. In evidence, Individual A told the panel that these allegations occurred over a lunchtime when Mr Bancroft had come into their classroom after the students had left to set up to his own lesson which was taking place after the lunchtime period. Individual A confirmed to the panel that no one else was present in the room at the time it is alleged the allegations took place.

Individual A provided evidence to the panel that Mr Bancroft was annoyed as some students had been singing a popular song called the WAP song. Individual A confirmed Mr Bancroft did not like this song. Individual A confirmed to the panel that there was a line in the WAP song which referred the sexual act of gagging. Individual A confirmed in their statement to the TRA and to the panel in oral evidence that Mr Bancroft responded by saying "I haven't sucked a dick for 5 years". Individual A said as part of this discussion Mr Bancroft informed them that (REDACTED), and asked "Are you straight?". Individual A (REDACTED). Individual A suggested Mr Bancroft responded by saying "I have a bad gag reflex, I always gag when I brush my teeth" or words to that effect.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal disciplinary investigation and to the TRA in relation to this allegation. The

panel noted how Mr Bancroft expressly denied ever discussing his sexuality or the sexuality of other colleagues. In relation to the allegation that he said to Individual A that he 'had a bad gag reflex' and/or he "hadn't sucked dick in ages' or words to that effect, Mr Bancroft suggested in evidence provided as part of the School disciplinary investigation that he had discussed the lyrics with Individual A when they had played the WAP song when travelling home together in the car share with Individual B. Further, Mr Bancroft suggested Individual A had sung the song around him on several occasions as they knew it got on his nerves. The panel noted a text message exchange included within the TRA evidence bundle between Mr Bancroft and Individual A which supported this evidence; Individual A asking via text message whether Mr Bancroft was ready for the song to be played.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual A to be credible and more likely than not to have occurred. In reaching this decision the panel considered how Individual A's accounts of events were consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing.

The panel then considered whether the statements made were inappropriate or whether Mr Bancroft knew or ought to have known the statements were inappropriate.

In relation to the allegation that Mr Bancroft asked Individual A if they were a lesbian or words to that effect the panel concluded that the statement may not be inappropriate if asked to a colleague in an informal setting away from students.

In relation to the allegation that Mr Bancroft said to Individual A that (REDACTED) or words to that effect the panel concluded that on the balance of probabilities the statement was not inappropriate. Again, whilst the panel noted that Mr Bancroft had expressly denied this allegation in his evidence provided as part of the School disciplinary process and in his response to the TRA; the panel noted that even if this question had been asked it may not be an inappropriate question to ask a colleague in an informal setting away from students.

In relation to the allegation that Mr Bancroft said to Individual A that he "had a bad gag reflex" and/or he "hadn't sucked dick in ages" or words to that effect, the panel concluded that the statements may not have been inappropriate. The panel reached this conclusion taking into account the circumstances in which the statements were made, discussing the contents of a popular song with explicit lyrics. The panel noted there was evidence through the text message exchange with Mr Bancroft that Individual A sought to initiate interactions with Mr Bancroft about the explicit song. The panel concluded that in this context Mr Bancroft may well have said the statements

that he 'had a bad gag reflex" and/or he "hadn't sucked dick in ages" with reference to the lyrics of the song and for that reason were unable to conclude the statements made by Mr Bancroft were inappropriate.

Therefore, the panel concluded that on the balance of probabilities allegations 2 and 3 of Schedule 1 were not proven.

2. Between on or around 01 September 2020 and 25 November 2020, you displayed inappropriate behaviour and/or made one or more inappropriate comments to one or more members of staff in relation to one or more pupils, as set out in Schedule 2, when you knew or ought to have known that this was not appropriate;

Schedule 2 (2). You said to Individual A that "a student was doing my fucking head in" or words to that effect;

The panel heard evidence from Individual A in relation to this allegation. Individual A provided a clear and consistent account of the background to the allegation. Individual A said they were in the staffroom when Mr Bancroft walked in following observation of a lesson taken by a more senior teacher. Mr Bancroft explained to Individual A that he had left because one of the children in the class was misbehaving and the teacher had been ignoring their behaviour. Mr Bancroft said in relation to the student that they were "doing [my] fucking head in" or words to that effect. In oral evidence Individual A confirmed Mr Bancroft's voice was serious and he seemed annoyed and frustrated with the situation.

Individual A's evidence was that they considered the statement to be inappropriate as it related to a student; whilst some teachers do complain if children are being particularly difficult, teachers should not use offensive language towards a student. Individual A confirmed that staff generally remained professional in the staff room so Mr Bancroft's statement "a student was doing my fucking head in" was surprising. The panel noted that the evidence provided by Individual A in relation to this allegation was also consistent in their statements to the School as part of its initial disciplinary investigation. When interviewed by the School, Individual A confirmed that when in the staff room one day, Mr Bancroft said he needed to walk away from a lesson observation as a student was doing his fucking head in.

The panel reviewed the response Mr Bancroft had provided to the TRA as part of its internal investigation in relation to this allegation. The panel noted how Mr Bancroft did not deny he had made the statement or similar statement; indeed Mr Bancroft was open in his statement to the TRA that he was frustrated by the situation. As part of his

response to the TRA, Mr Bancroft suggested that he could not recall making the statement but that the sentence structure clearly does not imply that he was swearing at or about a child, but instead expressing frustration at a situation. Further, Mr Bancroft suggests in his response to the TRA that he frequently heard other staff members badmouthing students. The panel noted that in relation to other allegations, Mr Bancroft had provided to the School an express denial to an allegation when questioned.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual A to be credible and more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Bancroft did say in relation to the student that they were “doing [my] fucking head in” or words to that effect. In reaching this decision the panel considered how Individual A’s account of events that had taken place were consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing and that Mr Bancroft had not expressly denied making the statement in his response provided to the TRA.

The panel then considered whether the statement made was inappropriate or whether Mr Bancroft knew or ought to have known this statement was inappropriate. Whilst the panel noted that the use of the word “fucking” was clearly undesirable to be used in any professional setting; the panel considered the statement to have been made in a moment of frustration by Mr Bancroft in a staffroom away from students and to a trusted colleague (REDACTED). The panel did not consider the phrase to be a personal attack on a student as alleged but rather an expression of Mr Bancroft’s frustration at the situation in a private setting. For these reasons, the panel concluded that on the balance of probabilities the statement was not inappropriate.

Therefore, the panel concluded that on the balance of probabilities this allegation not proven as the statement made by Mr Bancroft was not inappropriate.

Schedule 2 (3). You left a note for Individual D stating “I have to leave as a pupil is irritating me (or winding me up) as he is muttering all the time. I don’t want to say something I shouldn’t” or words to that effect;

The panel heard evidence from Individual D in relation to this allegation. Individual D confirmed to the panel that Mr Bancroft had attended one of their (REDACTED) lessons to observe how they managed the behaviour of a particularly challenging class where (REDACTED). Individual D confirmed that it was normal for a less experienced teachers to observe their classes as they were experienced in behaviour

management. Individual D confirmed one student was fiddling and off task. Individual D confirmed they had decided to ignore the behaviour and continue with their lesson as the student was not disrupting the learning of other members of the class. Individual D recalled to the panel that partway through the lesson Mr Bancroft left placing a post it note on their desk.

Whilst Mr Bancroft did not provide evidence to the panel, the panel reviewed the response he had provided to the TRA about this allegation which confirmed he had attended the lesson of Individual D in an observatory capacity. Mr Bancroft's evidence to the TRA corroborated that the student had been fiddling and that he had left explaining on a note to Individual D that the student's behaviour had been inappropriate and disruptive. The panel noted that Mr Bancroft suggested he left a note for Individual D as he did not want to disrupt the lesson and that his note thanked Individual D for the shadowing / observing opportunity.

When subject to questioning by the panel, Individual D confirmed that they had not kept the note left by Mr Bancroft so the panel was unable to review the contents made contemporaneously. However, notwithstanding this, when questioned about the wording of the note, Individual D stated to the panel that they were not concerned; firstly that Mr Bancroft had left the lesson, he was there in an observatory capacity only and secondly, they were unconcerned about the contents of the note.

On review of Mr Bancroft's submissions provided to the TRA, the panel noted how he had provided a cogent and clear explanation for his actions; Mr Bancroft thought it would have been inappropriate for him to interrupt the lesson to challenge the student's behaviour as he was attending as a guest but that he wanted to alert Individual D to what he had seen when he left the lesson.

Further, Mr Bancroft suggested in his evidence to the TRA that he left the lesson before the end as he was attending in an observatory capacity only. Whilst the panel recognised this evidence was hearsay evidence as the panel had not had an opportunity to cross examine Mr Bancroft; the panel felt that it was possible to attach significant weight to this hearsay evidence as it supported the evidence provided by Individual D.

Finally, the panel considered whether leaving a note for Individual D stating "I have to leave as a pupil is irritating me (or winding me up) as he is muttering all the time. I don't want to say something I shouldn't" or words to that effect was inappropriate or whether Mr Bancroft knew or ought to have known this statement was inappropriate. The panel considered whilst Mr Bancroft's approach to addressing the fiddling behaviour of the student could have been managed more effectively; Mr Bancroft directly addressing this with the student as it took place, the panel recognised that Mr Bancroft was an inexperienced teacher. The panel considered Mr Bancroft's

explanation as to why he didn't address the student's behaviour directly preferring to leave a note completely plausible; he was an inexperienced teacher but wanted to raise the concern he had seen to Individual D in a way which would minimise disruption to the class. For these reasons, the panel concluded that on the balance of probabilities leaving a note for Individual D stating "I have to leave as a pupil is irritating me (or winding me up) as he is muttering all the time. I don't want to say something I shouldn't" or words to that effect was not inappropriate.

Therefore, the panel concluded that on the balance of probabilities this allegation was not proven.

Schedule 2 (4). You said to Individual E "why is it OK for the kids to listen to you more and respect you more, why does Pupil H need to fiddle rather than fucking listen to me", or words to that effect;

The panel heard evidence from Individual E in relation to this allegation. Individual E provided a clear and consistent account of the background to the allegation. Individual E explained to the panel that they were employed as a (REDACTED) working within Mr Bancroft's lessons. Individual E explained that teachers working within the school would put their hand up to signal to the students that they should be silent; this was a standard classroom management strategy. In order to assist Mr Bancroft, Individual E explained that they put their hand up to signal to the class that they should be quiet, and the students stopped talking. They said Mr Bancroft seemed offended and whispered to them during the lesson, "why is it OK for the kids to listen to you more and respect you more, why does Pupil H need to fiddle rather than fucking listen to me" or words to that effect. In evidence, Individual E said Mr Bancroft's tone and manner indicated frustration with the situation.

The panel reviewed the response Mr Bancroft had provided to the TRA in relation to this allegation. The panel noted how Mr Bancroft did not deny he had made the statement or similar statement rather he suggested that he had sought advice from Individual E about Pupil H's (REDACTED) as he was known to fiddle during lessons and distract the other students. Mr Bancroft suggested that no malice was ever intended rather that he wanted to ensure the student was okay and that they did not distract other students. The panel recognised in his evidence provided to the School Mr Bancroft had offered an express denial to an allegation when questioned.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual E to be credible and more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Bancroft did say to Individual E "why is it OK for the kids to listen to you more and respect you more, why does Pupil H need to fiddle rather than fucking listen to me", or words to that effect. In reaching this

decision the panel considered how Individual E's account of events were consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. Finally the panel noted Mr Bancroft had not expressly denied making the statement in his response provided to the TRA.

The panel then considered whether the statement made was inappropriate or whether Mr Bancroft knew or ought to have known this statement was inappropriate. Whilst the panel noted that the use of the word "fucking" was clearly undesirable to be used in any professional setting; the panel considered the statement to have been made in a moment of frustration by Mr Bancroft in a classroom but away from students, in a whispered tone and to a trusted colleague. The panel did not consider the phrase to be a personal attack on a student but rather an expression of Mr Bancroft's frustration at the situation in a private setting. For these reasons, the panel concluded that on the balance of probabilities the statement was not inappropriate.

Therefore, the panel concluded that on the balance of probabilities this allegation not proven.

Schedule 2 (6). You asked Individual F "how far would you think an inappropriate relationship with a student goes", or words to that effect;

In respect of this allegation, the panel heard evidence from Individual F who provided a clear and consistent account of the background to the allegation. Individual F explained that one day in the staffroom, Mr Bancroft asked out of nowhere "how far would you think an inappropriate relationship with a student goes?" Individual F explained that they made enquiries with Mr Bancroft regarding the context of the question to which Mr Bancroft replied that he had been reading the same book as a (REDACTED) student that he didn't teach and had been discussing the content of the book with them.

In their evidence Individual F explained the School was a reading academy. As part of the reading strategy all staff were encouraged to read the same books as the students so that they could discuss books with them as a way of building rapport. Individual F accepted that in discussing the book with the year 7 student Mr Bancroft's behaviour was appropriate and supported the School's wider reading strategy.

Individual F provided evidence to the panel in their examination that they considered it odd for Mr Bancroft to have asked the question "how far would you think an inappropriate relationship with a student goes" as all staff had received safeguarding training which addresses this question in some detail. Upon cross examination, Individual F considered that on reflection, Mr Bancroft could have asked the question of them as he found them to be a trusted colleague. Individual F also accepted that Mr

Bancroft could have turned to them for support and guidance and to ensure he was complying with all relevant School policies; particularly because Mr Bancroft was an inexperienced teacher.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal investigation in relation to this allegation. The panel noted how Mr Bancroft had confirmed he had made this enquiry as he had noted other teachers were not engaging with students about their reading as directed. As part of the School investigation, Mr Bancroft provided evidence that he wanted clarification and informal guidance about the appropriateness of student-teacher relationships with regards to his actions in engaging with students about their reading. The panel noted Mr Bancroft had provided to the School a credible and detailed explanation of his actions when questioned. Moreover, Mr Bancroft had accepted the conversation had taken place.

After considering all of the evidence, the panel found on the balance of probabilities that Mr Bancroft did ask Individual F in the staffroom “how far would you think an inappropriate relationship with a student goes?” In considering whether the interaction was inappropriate, the panel assessed the weight and reliability of the evidence and in particular the explanations to the background to the question and concluded that in asking the question Mr Bancroft was appropriate. The panel concluded Mr Bancroft was merely seeking clarification and informal guidance from a trusted colleague on the suitability of his interactions with a (REDACTED) in order to comply with the School’s reading policy.

Therefore, the panel concluded that on the balance of probabilities this allegation not proven.

Schedule 2 (7). On or around 11 November 2020, to another member of staff you referred to a pupil as “the handsome one with the (REDACTED) hair” or words to that effect;

In respect of this allegation, the panel heard evidence from Individual B who provided a clear and consistent account of the background to the allegation. Individual B said to the panel that on a journey home together (REDACTED) on Remembrance Day, he heard Mr Bancroft refer to a pupil as “the handsome lad with (REDACTED) hair in (REDACTED)”. Individual B confirmed that this statement was made in the context of Mr Bancroft helping during the school day with students who were cadets and participating in the Remembrance celebrations.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal investigation in relation to this allegation. The panel noted how Mr Bancroft had remembered saying the students looked smart in their cadet uniform, but not handsome. As part of his response to the TRA, Mr Bancroft noted that this is not something he would say but admitted that he may have said the statement objectively.

After considering all of the evidence, the panel found on the balance of probabilities that Mr Bancroft did refer to a pupil as “the handsome one with the (REDACTED) hair” or words to that effect on or around 11 November 2020. In considering whether the interaction was inappropriate, the panel assessed the weight and reliability of the evidence and in particular the explanations to the background to the statement provided by Individual B. The panel concluded on the balance of probabilities that Mr Bancroft was merely making a statement in an attempt to identify a pupil within a private context to a close colleague (REDACTED). The panel did not conclude referring to a pupil having “(REDACTED) hair” or being “handsome” to be an inappropriate comment.

Therefore, the panel concluded that on the balance of probabilities this allegation not proven.

Schedule 2(8). In a classroom, you said that “we need to get the little shits out”, or words to that effect regarding one or more pupils at the school;

Schedule 2 (9). In the staffroom, you said that “that lesson was so shit, it was horrible and the kids weren’t listening”, or words to that effect;

The panel considered allegations (8) and (9) within Schedule 2 together as they related to the same lesson in which Mr Bancroft had been teaching and witness Individual F had been present.

In respect of this allegation, the panel heard direct evidence from Individual F who provided a clear and consistent account of the background to the allegations. Individual F explained that they were in Mr Bancroft’s class supporting (REDACTED) pupils in his lessons for between 2 to 3 hours per week. In cross examination Individual F explained to the panel that on one occasion when they were supporting Mr Bancroft pupils were being very noisy. Individual F explained that it was a particularly difficult class which could display unpredictable behaviour which they recalled led to some frustrations by Mr Bancroft.

Individual F provided evidence to the panel that during the lesson Mr Bancroft whispered, “We need to get the little shits out” or words to that effect. Whilst Individual F explained Mr Bancroft whispered the comment, they suggested to the panel that they were able to hear Mr Bancroft from approximately six feet away. When questioned by the panel Individual F confirmed that they thought it was unlikely that any students heard what Mr Bancroft said particularly because the classroom was so noisy at that time. Further Individual F confirmed no student reported Mr Bancroft as making the alleged comment.

Individual F further said to the panel that after the lesson, Mr Bancroft had gone into the staff room and made the comment “that was so shit, it was horrible, the kids weren’t listening” or words to that effect. When subject to cross examination by the

panel Individual F explained that this statement had been made by Mr Bancroft following the lesson when they had been in attendance and where he had said “we need to get the little shits out”. Individual F explained to the panel that whilst it was not unusual for staff members to raise concerns about being stressed or tired, it was very unusual for staff to be vocal about the quality of their lessons in this way.

The panel reviewed the response Mr Bancroft had provided to the School as part of its internal investigation in relation to these allegations. The panel noted that he denied this allegation, instead Mr Bancroft suggested that he had been misheard. Mr Bancroft also suggested that another member of staff who provided evidence as part of the School disciplinary case had suggested he had not made the statement. The panel reviewed the evidence provided as part of the School disciplinary case but were unable to corroborate the evidence of the other member of staff also confirmed to be present in the lesson when the statement “we need to get the little shits out” was alleged to have been made.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Individual F to be more credible and more likely than not to have occurred. In reaching this decision the panel considered how Individual F’s account of events was consistent in their statement to the School as part of its initial disciplinary investigation, to the TRA in preparation for the hearing and then further, in their evidence provided to the panel at the hearing. The panel further noted how the evidence of Individual F in respect of allegation (6) within Schedule 2 was also consistent further supporting the credibility of Individual F’s evidence.

The panel then considered whether the statement made was inappropriate or whether Mr Bancroft knew or ought to have known this statement was inappropriate. Whilst the panel noted that the use of the word and referencing students to be “shits” was clearly undesirable to be used in any professional setting; the panel considered the statement to have been made in a moment of frustration by Mr Bancroft either in a staffroom away from students or so quietly it could not be heard by students. The panel did not consider the phrase to be a personal attack on a student but rather an expression of Mr Bancroft’s frustration at the situation in a private setting. For these reasons, the panel concluded the statement was not inappropriate.

Therefore, the panel concluded that on the balance of probabilities these allegations were not proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations proved, namely allegation 1 in respect of those matters at Schedule 1 (1) and (4) and allegation 2 in respect of those matters at

Schedule 2 (1), (5), (10) and (11) and allegation 3 to the extent only that conduct at Schedule 1 (1) and (4) was conduct of a sexual nature 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. In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Bancroft, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Bancroft 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Bancroft fell significantly short of the standard of behaviour expected of a teacher. Specifically the panel considered that the language used by Mr Bancroft, and in particular in respect of students with (REDACTED), did not demonstrate treating pupils with dignity, building relationships rooted with respect or observing proper boundaries appropriate to his professional position. Further, the frequency in which Mr Bancroft used profanities within a professional setting and the way he discussed and referenced students did not demonstrate a tolerance or respect for the rights of others. Finally, the panel concluded that Mr Bancroft did not show a proper and professional regard for the ethos, policies and practices of the School. In particular the panel noted that Mr Bancroft’s conduct fell outside of the School’s Code of Conduct which specifically states that teachers must “treat all colleagues and students with mutual respect and at all times”. Further the School’s Code of Conduct states that “employees are role models and must adhere to behaviour that sets a good example to all students within the Trust.... Including refraining from abusive or potentially offensive / discriminatory

language or actions". The panel concluded that Mr Bancroft's conduct as set out in the allegations above breached the School's Code of Conduct in the terms identified.

The panel also considered whether Mr Bancroft's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. 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. However the panel found that none of these offences were relevant.

The panel noted that the allegation found proven in Schedule 2 (1) took place outside the education setting as the allegation took place in a car share with Individual B. In relation to allegation Schedule 2 (1), whilst the panel noted that the allegation was upheld, the panel did not consider that making the statement "that kid should go and kill themselves" to a trusted colleague in a private setting affected the way the person fulfilled his role or may have led to pupils being exposed to/or influenced by his behaviour in a harmful way. The panel noted that whilst an inappropriate statement, the evidence indicated that this statement was said in a moment of frustration in a private setting.

Notwithstanding the finding in respect of allegation Schedule 2 (1), the panel was satisfied that Mr Bancroft was guilty of unacceptable professional conduct. The panel finds that the conduct of Mr Bancroft fell significantly short of the standards expected of the profession for the reasons set out above.

The panel went on to consider whether Mr Bancroft was guilty of 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 considered 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.

In considering the issue of disrepute, the panel also considered whether Mr Bancroft's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. 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 conduct that may bring the profession into disrepute. The panel found that none of these offences were relevant.

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”.

The panel noted that the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception of a teacher.

The panel therefore found that Mr Bancroft’s actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars (1) and (4) within Schedule 1 and (1), (5), (10) and (11) within Schedule 2 proved, the panel further found that Mr Bancroft’s conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel’s recommendation to the Secretary of State

Given the panel’s findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute 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 Mr Bancroft 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 panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, 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 Mr Bancroft, which included allegations of threats made towards or about students amounting to inappropriate conduct, the panel concluded there was a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Mr Bancroft was outside that which could reasonably be tolerated. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bancroft was not treated with the utmost seriousness when regulating the conduct of the profession.

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 considered that whilst Mr Bancroft's conduct took place in a setting away from students, his conduct fundamentally breached the standards of conduct expected of a teacher. In particular, this was because Mr Bancroft had repeatedly used inappropriate language of extreme disrespect and violence in relation to specific students in his care. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bancroft was not treated with the utmost seriousness when regulating the conduct of the profession.

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, those that were relevant in this case were serious departure from the personal and professional conduct elements of the Teachers' Standards.

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 continue to teach, the panel went on to consider the mitigation offered by the teacher and / or whether there were mitigating circumstances.

The panel noted that Mr Bancroft was new to the teaching profession having joined the School as part of a Teach First training scheme a few months prior to his suspension, subsequent dismissal and referral to the TRA. The panel further noted it was unclear what, if any, support or guidance the School had offered to Mr Bancroft to assist and improve his classroom management and his professional conduct and behaviour. The panel noted that if such training or guidance had been provided it may have prevented the repetitive nature of Mr Bancroft's behaviour. The panel considered the issue of guidance and training to be particularly important in this case as Mr Bancroft was so early in his teaching career. Notwithstanding this, the panel concluded that Mr Bancroft's actions were deliberate. Mr Bancroft did not provide any statements or references attesting to his good character nor did he provide any evidence that he recognised how his behaviour and conduct could have improved or any insight into his actions raised by the School.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Bancroft of prohibition, in

particular because Mr Bancroft had on repeated occasions used inappropriate language of extreme disrespect and violence in relation to specific students in his care.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Bancroft. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect. The fact that Mr Bancroft had displayed repeated inappropriate behaviours without evidence of insight or remorse into his behaviours was a significant factor in forming that opinion.

The panel went on to consider whether or not it would be appropriate for it to decide 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 two years.

The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. The panel did not find any such behaviours were relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find any such behaviours relevant.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years. The panel considered a period of two years was appropriate as the panel considered Mr Bancroft's behaviour did not take place in front of students nor was it sexually motivated. Finally, the panel took into account that Mr Bancroft was new into the teaching profession and the panel was unsure what, if any, training Mr Bancroft had received in relation to his conduct and behaviour or the support he had received in relation to his classroom management.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some particulars of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr leuan Bancroft should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Bancroft 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Bancroft fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of making inappropriate comments of a sexual nature.

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 Mr Bancroft 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 safeguard pupils. The panel has observed, "...Mr Bancroft had on repeated occasions used inappropriate language of extreme disrespect and violence

in relation to specific students in his care.” 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, “Mr Bancroft did not provide any statements or references attesting to his good character nor did he provide any evidence that he recognised how his behaviour and conduct could have improved or any insight into his actions raised by the School.” In my judgement, the lack of full insight 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 noted that the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception of a teacher.” I am particularly of the use of highly inappropriate language when referring to pupils in this case, and the negative impact this may have on parents’ trust in the teaching 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 findings of unacceptable professional conduct and conduct likely to bring the teaching profession into disrepute, 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 Mr Bancroft himself. The panel note that he is at an early stage in his teaching career and no evidence is recorded that he has made an outstanding contribution to the teaching profession.

A prohibition order would prevent Mr Bancroft from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the highly inappropriate and unacceptable language that Mr Bancroft has been found to have used when referring to pupils in his care as noted by the panel, “Mr Bancroft had on repeated occasions used inappropriate language of extreme disrespect and violence in relation to specific students in his care.”

I have also placed considerable weight on the lack of evidence regarding Mr Bancroft's insight into and remorse for his actions.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bancroft 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 two-year review period.

In doing so, the panel has referred to the Advice which indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find any such behaviours relevant.

I have considered the panel's comments "The panel considered a period of two years was appropriate as the panel considered Mr Bancroft's behaviour did not take place in front of students nor was it sexually motivated. Finally, the panel took into account that Mr Bancroft was new into the teaching profession and the panel was unsure what, if any, training Mr Bancroft had received in relation to his conduct and behaviour or the support he had received in relation to his classroom management."

I have considered whether a two-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 my judgment, balancing the seriousness of the misconduct found with the mitigating factors noted by the panel, allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

This means that Mr leuan Bancroft 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 22 January 2026, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Bancroft remains prohibited from teaching indefinitely.

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

Mr Bancroft has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

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

Decision maker: Marc Cavey

Date: 16 January 2024

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