



Teaching
Regulation
Agency

Mr Richard Lewis: Professional conduct panel meeting outcome

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

February 2024

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

Teacher: Mr Richard Lewis

Teacher ref number: 9844871

Teacher date of birth: 25 February 1975

TRA reference: 19888

Date of determination: 2 February 2024

Former employer: [REDACTED]

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means, to consider the case of Mr Richard Lewis.

The panel members were Mrs Maxine Cole, (lay panellist in the chair) and Mr Nick Watkiss (teacher panellist) and Mrs Julie Wells (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Lewis that the allegations be considered without a hearing. Mr Lewis provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Louise Ravenscroft of Capsticks LLP and Mr Lewis.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 January 2024.

It was alleged that Mr Lewis was guilty of having been convicted of a relevant offence in that whilst he was a teacher he:

1. On 29 September 2003 he was convicted of common assault on 6 December 2002 contrary to section 39 of the Criminal Justice Act 1988
2. On 29 September 2003 he was convicted of common assault on 27 December 2002 contrary to section 39 of the Criminal Justice Act 1988
3. On 3 June 2011 he was convicted of assaulting Individual A by beating him on 20 April 2011, contrary to section 39 of the Criminal Justice Act 1988
4. On 3 June 2011 he was convicted of resisting a police constable in the execution of his duty on 20 April 2011, contrary to section 89 (2) of the Police Act 1996
5. On 12 March 2021 he was convicted of assaulting Pupil A by beating him on 30 November 2020, contrary to section 39 of the Criminal Justice Act 1988
6. On 12 March 2021 he was convicted of assaulting Pupil B by beating him on 30 November 2020 contrary to section 39 of the Criminal Justice Act 1988

Mr Lewis admitted both the facts alleged and that the convictions were of relevant offences.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 5 to 7

Section 2: Notice of referral, response and notice of meeting– pages 8 to 23

Section 3: Statement of agreed facts and presenting officer representations – pages 24 to 31

Section 4: Teaching Regulation Agency documents – pages 32 to 252

Section 5: Teacher documents – pages 253 to 260

In addition, the panel was also provided with an email exchange between the Presenting Officer and Mr Lewis of 24 January 2024.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and the additional email exchange referred to above.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Lewis on 29 September 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Lewis for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Lewis was employed as a teacher of maths at [REDACTED] (“the School”) from 4 April 2016. Mr Lewis resigned on 30 November 2020.

Prior to this role, Mr Lewis was employed as a teacher of science at The Harris Academy in Peckham between September 2002 and August 2005. He went on to be employed as a maths teacher at Fairfield High School in Bristol between January 2010 and July 2014.

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. On 29 September 2003 he was convicted of common assault on 6 December 2002 contrary to section 39 of the Criminal Justice Act 1988**
- 2. On 29 September 2003 he was convicted of common assault on 27 December 2002 contrary to section 39 of the Criminal Justice Act 1988**

In the statement of agreed facts, Mr Lewis admitted that he was convicted of two counts of common assault on 29 September 2003. He admitted that this related to an assault upon [REDACTED], where he had pulled [REDACTED] by the hair and dragged [REDACTED] into a car. He admitted that whilst being dragged, the victim hit

[REDACTED] head in the rear view mirror of the vehicle. He admitted that he was sentenced to a fine of £600.

The panel has seen a print of a PNC record which records the convictions as set out at allegations 1 and 2. In light of this record and Mr Lewis's admission, the panel considered it more likely than not that Mr Lewis had been convicted of these offences.

The panel noted that the convictions appeared to relate to two separate incidents, as the offences were committed on two separate dates. An explanation has only been provided in respect of one of them and it was unfortunate that no evidence had been provided as to the circumstances of the other of the events. Mr Lewis was convicted for these two offences on the same date. For one of the offences, he was fined £400 and for the second offence, he was fined £200.

- 3. On 3 June 2011 he was convicted of assaulting Individual A by beating him on 20 April 2011, contrary to section 39 of the Criminal Justice Act 1988**
- 4. On 3 June 2011 he was convicted of resisting a police constable in the execution of his duty on 20 April 2011, contrary to section 89 (2) of the Police Act 1996**

In the statement of agreed facts, Mr Lewis admitted that he was convicted on 3 June 2011 of an offence of battery and resisting/obstructing a constable. He admitted that this related to a public order incident at Cheltenham train station on 20 April 2011. He admitted that during the incident, he dragged the wrist of a member of staff and dug his nails in causing sharp pain. He admitted that when he was stopped by a member of the British Transport Police, he struggled and resisted his arrest for the assault. He admitted that he appeared before Cheltenham Magistrates Court on 3 June 2011 and pleaded guilty to both charges. He admitted that he was sentenced to a community order of 12 months with unpaid work requirements, and ordered to pay compensation to the member of staff of £100.

The panel has seen a print of a PNC record which records the convictions as set out at allegations 3 and 4. In light of this record and Mr Lewis's admission, the panel considered it more likely than not that Mr Lewis had been convicted of these offences.

- 5. On 12 March 2021 he was convicted of assaulting Pupil A by beating him on 30 November 2020, contrary to section 39 of the Criminal Justice Act 1988**
- 6. On 12 March 2021 he was convicted of assaulting Pupil B by beating him on 30 November 2020 contrary to section 39 of the Criminal Justice Act 1988**

In the statement of agreed facts, Mr Lewis admitted that during his employment at the School, he was involved in a physical altercation involving two [REDACTED] pupils. On Pupil A stating that he was not going to complete the work assigned by Mr Lewis, Mr Lewis admitted that he used inappropriate language towards Pupil A, and Pupil A replied referring to Mr Lewis as a "[REDACTED]" before Pupil A got up to leave the class. Mr

Lewis accepted that he shoved Pupil A in the chest, causing Pupil A to fall to the floor. Mr Lewis admitted that he then placed his foot on Pupil A's chest and stood over Pupil A asking if he was being racist.

Mr Lewis also admitted that Pupil B intervened and pushed Mr Lewis off Pupil A. Mr Lewis admitted that he pushed Pupil B on his upper arm or rib area, then returned to his position of standing over Pupil A and placing his foot on Pupil A's chest. Mr Lewis admitted that Pupil B again approached [REDACTED] to push him away from Pupil A. Mr Lewis admitted that when Pupil A got up, Mr Lewis proceeded to threaten Pupil A with hitting him hard in the face if he "said that again".

The panel's bundle contained significant evidence that supported Mr Lewis's account of the incident that led to these convictions.

Mr Lewis admitted that he was arrested by the police on 30 November 2020 and that during his police interview he admitted to assaulting Pupil A. Mr Lewis admitted that he appeared at Swindon Magistrates Court on 12 March 2021 where he pleaded guilty to two counts of assault. He admitted that he was sentenced to a community order of 18 months with an unpaid work requirement.

The panel has seen the memorandum of entry entered in the register of the Wiltshire Magistrates Court confirming the convictions for the assault of Pupil A and Pupil B as referred to at allegations 5 and 6. The panel accepted the memorandum of entry as conclusive proof of the convictions and the facts necessarily implied by the convictions.

Findings as to 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 convictions of relevant offences.

In relation to allegations 5 and 6, the panel was satisfied that the conduct of Mr Lewis, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Lewis 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
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The offences committed by Mr Lewis referred to in allegations 1, 2, 3 and 4 occurred prior to the coming into force of Teachers Standards. The panel relied upon its knowledge and experience of professional teaching standards at that time. In relation to the assault on a public servant and member of staff at a railway station, Mr Lewis ought to have respected their right to carry out their role in safety. Teachers at the time were expected to be role models, and have standing in the community. Exhibiting violence towards [REDACTED] and members of the public fell short of the standards expected of a teacher at the time. He failed to conduct himself in a manner that was decent and respectful.

The panel noted that Mr Lewis's actions were relevant to teaching, working with children and/or working in an education setting. Two of the convictions related to common assault of vulnerable pupils within the classroom. Mr Lewis's violence towards others indicated that Mr Lewis had difficulties with controlling his behaviour and that this continued over a significant period of time.

The panel noted that the behaviour involved in committing the offences had an impact on the safety and/or security of pupils and members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Lewis's behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if Mr Lewis was allowed to continue teaching.

The panel noted that Mr Lewis's behaviour has not lead to any sentence of imprisonment. However, this was a case concerning offences involving violence. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel took into account that the language towards Mr Lewis during the incident leading to the offence referred to in allegation 5 and 6 was provocative. It was noted that there was a record that Mr Lewis had previously been the [REDACTED]. However, in light of the pattern of repeated assaults over a period of time, the panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Lewis's fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of convictions for 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 Mr Lewis 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 safeguarding and wellbeing of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that two of the convictions were for offences of assaulting vulnerable pupils 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 Lewis were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Mr Lewis was outside that which could reasonably be tolerated.

There was evidence that Mr Lewis had experience of teaching over a number of years. However the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Lewis in the profession. His behaviour fundamentally breached the standard of conduct expected of a teacher and he breached his position of trust.

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, those that were relevant in this case were:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;

misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

abuse of position or trust (particularly involving vulnerable pupils);

failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
and

violation of the rights of pupils.

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 whether there were mitigating circumstances.

Mr Lewis's actions were deliberate.

There was no evidence to suggest that Mr Lewis was acting under extreme duress, e.g. a physical threat or significant intimidation. Whilst the language used towards Mr Lewis in the classroom may have been provocative, as a teacher he was expected not to react in a violent manner.

The panel did not consider that Mr Lewis had a previously good history. He had numerous convictions for his violent behaviour towards others. There was reference to other school investigations of conduct of a similar nature and regarding whether appropriate disclosures had been made at the time of Mr Lewis's employment, but the panel had no regard to these as the allegations were unsubstantiated. Nevertheless, the number of convictions of a similar behaviour ought to have indicated to Mr Lewis that he should have taken steps to rehabilitate and learn how to control his reactions. There was no evidence of successful rehabilitation.

There was no evidence of Mr Lewis, having demonstrated exceptionally high standards in his professional conduct or of having contributed significantly to the education sector

References were provided pertaining to the time of Mr Lewis's application to the School in 2016. The panel did not place any weight on these given that they were not recent. No character references or professional testimonials were provided by Mr Lewis for the purpose of this professional conduct panel meeting.

The panel did not consider that Mr Lewis had displayed sufficient insight or remorse despite having sent a message expressing some regret at the time asking for his sincerest apologies to be passed on to the families of Pupil A and Pupil B and to his exam classes. His most recent representations prior to this professional conduct panel meeting referred to the process being “very time consuming and inefficient” and that he was “not entirely sure what the purpose of this process could possibly be”. He has however, indicated that he is “happy with whatever the TRA want to say or do” and did admit the allegations without the need for the expense of a professional conduct panel hearing.

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 Lewis of prohibition.

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 Lewis. Repeated instances of violent behaviour over a number of years indicated that Mr Lewis was unsafe to teach particularly given the absence of evidence of successful rehabilitation. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases include violence. The panel found that Mr Lewis was responsible for numerous offences of assault and battery.

The nature of the offences, their repeated occurrences over a significant period of time, and the absence of sufficient remorse, insight or successful rehabilitation indicated that it would not be safe for Mr Lewis to return to teaching.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the

circumstances, for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Richard Lewis should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Lewis is in breach of the following standards in relation to allegations 5 and 6:

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
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the offences committed by Mr Lewis referred to in allegations 1, 2, 3 and 4 occurred prior to the coming into force of the Teachers Standards. However, the panel also record its view that the behaviour exhibited in committing those offences fell short of the standards expected of a teacher at the time that they were committed.

The panel was satisfied that the conduct of Mr Lewis involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include multiple relevant convictions for offences involving violent conduct, including the assault of pupils.

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 a relevant conviction, 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 Lewis, 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, "The panel noted that the behaviour involved in committing the offences had an impact on the safety and/or security of pupils and members of the public." 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 it sets out as follows, "The panel did not consider that Mr Lewis had displayed sufficient insight or remorse despite having sent a message expressing some regret at the time asking for his sincerest apologies to be passed on to the families of Pupil A and Pupil B and to his exam classes. His most recent representations prior to this professional conduct panel meeting referred to the process being "very time consuming and inefficient" and that he was "not entirely sure what the purpose of this process could possibly be". He has however, indicated that he is "happy with whatever the TRA want to say or do" and did admit the allegations without the need for the expense of a professional conduct panel hearing." In my judgement, the lack of evidence 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 record that it, "... also took account of the way the teaching profession is viewed by others. The panel considered that Mr Lewis's behaviour in committing the offences would be likely to affect public confidence in the

teaching profession, if Mr Lewis was allowed to continue teaching.” I am particularly mindful of the finding of a relevant conviction for behaviour involving the physical assault of pupils and the impact that such a finding could have 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 relevant conviction, 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 Lewis himself. The panel comment that “There was no evidence of Mr Lewis, having demonstrated exceptionally high standards in his professional conduct or of having contributed significantly to the education sector.” The panel go on to record that “References were provided pertaining to the time of Mr Lewis’s application to the School in 2016. The panel did not place any weight on these given that they were not recent. No character references or professional testimonials were provided by Mr Lewis for the purpose of this professional conduct panel meeting.”

A prohibition order would prevent Mr Lewis 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 serious nature of the panel’s findings of multiple relevant convictions for offences involving physical violence. I have also placed weight on the panel’s comments relating to the lack of evidence of full insight and remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lewis 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, 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 that no provision should be made for a review period.

In doing so, the panel has referred to the Advice which indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases include violence. The panel found that Mr Lewis was responsible for offences of assault and battery.

I have considered the panel's comments "The nature of the offences, their repeated occurrences over a significant period of time, and the absence of sufficient remorse, insight or successful rehabilitation indicated that it would not be safe for Mr Lewis to return to teaching."

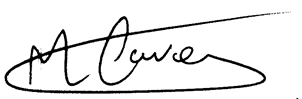
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, and the lack of evidence of full insight and remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

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

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

Mr Lewis 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.



Decision maker: Marc Cavey

Date: 8 February 2024

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