



Teaching  
Regulation  
Agency

# **Mr Raphael Ruz: Professional conduct panel 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**

<b>Teacher:</b>	Mr Raphael Ruz
<b>TRA reference:</b>	19947
<b>Date of determination:</b>	23 February 2024
<b>Former employer:</b>	Brighton College, Brighton

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 20 to 23 February 2024 by way of a virtual hearing, to consider the case of Mr Raphael Ruz.

The panel members were Ms Sue Davies (lay panellist – in the chair), Mrs Jayne Bamford (lay panellist) and Mr Tom Snowdon (teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Jim Olphert of Mountford Chambers.

Mr Ruz was present and was not represented although Mr Tom Flavin of 25 Bedford Row attended the hearing for the duration of Colleague B's oral evidence and for the purpose of cross-examining Colleague B on behalf of Mr Ruz in accordance with the special measures which were agreed in advance of the hearing in order to protect Colleague B as a vulnerable witness. Mr Ruz turned his camera and microphone off for the duration of Colleague B's oral evidence and cross-examination.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 December 2023. It was alleged that Mr Ruz was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while employed at Brighton College as a teacher and also its director of ICT, he:

1. Between 21 September and 11 November 2017, behaved in an inappropriate and/or harassing manner towards Colleague A in that he:
  - a) On or around 22 September 2017 sent an email to her attaching a photo of her with the comment “nice”;
  - b) Sent text and email messages to her after she had requested he desist from communicating with her on 25 September 2017;
  - c) Placed handwritten letters to her in her ‘pigeonhole’ after she requested he desist from communicating with her on 30 September 2017; and
  - d) Visited her in her office at work on 10 November 2017 and told her “I can’t get you out of my head” or words to that effect;
2. On an unknown date on or prior to 18 September 2017, used the school’s information management system (iSAMS) to access Colleague A’s address and/or the road Colleague A lived on for purposes other than for work, and for his own private purposes;
3. In 2020, behaved in an inappropriate and/or harassing manner towards Colleague B in that he:
  - a) Over the period from April to October 2020, contrived to have frequent and unnecessary contact with Colleague B including at the beach, in [REDACTED] and at work;
  - b) In or around May 2020, sought Colleague B out in the art department of Brighton College and attempted to take a photo of Colleague B;
  - c) On various dates in 2020, commented on Colleague B’s clothes and shoes;
  - d) On or around 11 October 2020, emailed Colleague B inviting her for a sail on his boat with [REDACTED], despite her making clear that she was not interested in that invitation on previous occasions;
  - e) On or around 13 October 2020, approached Colleague B saying words to the effect of “I can’t get you out of my head”;

- f) On or around 14 October 2020, visited Colleague B's home address and hand-delivered an inappropriate letter to her; and
  - g) On or around 16 October 2020, having been told not to be in contact with her, he attended 'The Well', where Colleague B was;
- 4. On an unknown date on or prior to 14 October 2020, used the school's information management system (iSAMS) to access Colleague B's address, for purposes other than for work and for his own private purposes; and
  - 5. His conduct at paragraphs 1 and/or 2 and/or 3 and/or 4 was sexually motivated.

Mr Ruz admitted allegations 1(b), 1(c), 1(d), 3(e), 3(f) and 4, as set out in the statement of agreed facts dated 14 May 2023. Mr Ruz also partially admitted allegations 1(a), 3(b), 3(d) and 3(g) in respect of the facts but not that they amounted to inappropriate or harassing behaviour. However, Mr Ruz denied allegations 2, 3(a), 3(c) and 5.

Mr Ruz admitted that some elements of his conduct amounted to unacceptable professional conduct but denied that his conduct amounted to conduct that may bring the profession into disrepute.

## Preliminary applications

Amendment of allegation 3.f)

Having discussed the matter with Mr Ruz and the presenting officer at the start of the hearing the panel agreed to amend allegation 3.f) to include the word "*and*" after "*home address*" and before "*hand-delivered*".

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

The panel considered that the proposed amendments would not change the nature and scope of the allegations. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

### Application for part of the hearing to be heard in private

The panel considered an application from Mr Ruz that the hearing should be heard in private. Mr Ruz made representations for the hearing to be in private on the basis that these matters had already had and continued to have a "*deep impact*" on his personal and professional life and on [REDACTED].

The panel heard submissions from the presenting officer on the application before reaching its decision.

The presenting officer made representations on behalf of the TRA on this matter. The presenting officer did not have an objection to part of the hearing being heard in private, in particular any matters relating to Mr Ruz's [REDACTED]. The presenting officer noted that it was routinely the case for matters such as this to be heard in private. However, the presenting officer objected to the hearing being heard wholly in private on the basis that hearings are generally in public unless doing so would jeopardise the public interest. The presenting officer did not object to parts of the hearing relating to sensitive matters of Mr Ruz's private life and health being held in private and made submissions that the panel should adopt a hybrid approach to the hearing in order to balance the wider public interest in hearings being held in public.

The presenting officer did object in part therefore to Mr Ruz's application.

After receiving submissions from Mr Ruz and the presenting officer and receiving legal advice, the panel made the following decision.

The panel did not grant the application for the entire hearing to be in private. The panel considered it would be contrary to the public interest to do so but did agree for the parts of the hearing, which were relevant to Mr Ruz's [REDACTED], to be heard in private.

The panel considered that these areas relating to Mr Ruz's [REDACTED] legitimately related to aspects of Mr Ruz's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The panel therefore granted the application in part.

#### Application for statement of witness to be admitted as hearsay

The presenting officer made an application that the statement of Colleague A be admitted as hearsay evidence in the absence of the witness on the basis that it was fair to do so as Colleague A was the sole and decisive witness to allegations 1 and 2.

This application was not opposed by Mr Ruz who acknowledged that he did not want to cause Colleague A any additional stress and did not therefore want Colleague A to be summoned to attend as a witness at a later stage.

After receiving submissions from the presenting officer and Mr Ruz and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence, in particular the submissions of the presenting officer and the legal advice on the weight to be attached to hearsay evidence, if admitted.

The panel noted that the evidence of the witness was the sole and decisive evidence in relation to the allegations relevant to Colleague A but that Mr Ruz would be able to give his oral evidence on the allegations relating to Colleague A. Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness.

The panel concluded that the balance of fairness was not against admitting the statement as hearsay evidence.

Accordingly, the statement of the witness was admitted and was considered in the panel's deliberations.

#### Matters relating to Jurisdiction

The panel considered Mr Ruz's location for the hearing and the fact that the hearing had previously not been able to proceed in September 2023 due to Mr Ruz's location outside of the UK at the time and the absence of Government confirmation to proceed with Mr Ruz giving evidence in another jurisdiction.

The panel noted that Mr Ruz had provided an invoice for a flight booking but that it did not include information as to the date of his flight and, as such, requested that Mr Ruz send a photograph of his boarding pass which would include the date of his flight from [REDACTED] to the UK. Mr Ruz provided this information at the start of the hearing to the panel, legal adviser and the presenting officer.

All parties therefore agreed that Mr Ruz had provided satisfactory evidence that he was giving evidence from the UK for this hearing.

The presenting officer was in agreement to proceed with the hearing and, having heard the presenting officer's submissions and the legal advice on this matter, the panel agreed to proceed with the hearing on this basis.

#### Application to admit additional documents

The panel considered an application from the teacher for the admission of additional documents at the start of day two of the hearing.

Mr Ruz made an application to admit the following documents:

- 5 emails (two dated 13 August 2020; one dated 13/14 September 2020; one dated 9 September 2020; and one dated 11 October 2020); and
- Police Report dated 16 January 2021.

Mr Ruz made an application for these documents to be included in the bundle on the basis that he believed these documents were included in previous versions of the bundle but were not included in the bundle before the hearing.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the teacher and the presenting officer in respect of the application.

The presenting officer objected to Mr Ruz's application in part, specifically in relation to the Police Report dated 16 January 2021. The presenting officer referred to the case of *Enemuwe v Nursing and Midwifery Council [2015] (EWHC 2081)* in raising an objection to the admission of the Police Report. The presenting officer had not seen the documents before the hearing but commented that the admission of this document risked tainting the panel's view on the allegations in respect of this hearing as this related to a different set of proceedings. However, the presenting officer did not object to the admission of the emails referenced above and noted that they were a similar category of emails to the other emails in the bundle and were not distinct in tone.

After receiving submissions from Mr Ruz and the presenting officer and receiving legal advice, in particular on the case of *Enemuwe v Nursing and Midwifery Council [2015] (EWHC 2081)*, the panel made the following decision.

The panel considered the additional email documents were relevant and confirmed that they had read them. However, the panel did not admit the Police Report but confirmed that they were aware of the overall outcome of the police investigation. Furthermore, the panel saw no benefit in re-referring the matter to the investigative stage noting Mr Ruz's wish not to delay matters.

Accordingly, the email documents were added to the bundle but the Police Report was not added to the bundle.

## Summary of evidence

### Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 9 to 12
- Section 2: Notice of proceedings and response – pages 13 to 44



- Section 3: TRA witness statements – pages 45 to 64
- Section 4: TRA documents – pages 65 to 912
- Section 5: Teacher's representations – pages 913 to 939.

In addition, the panel agreed to accept the following:

- 5 emails (two dated 13 August 2020; one dated 13/14 September 2020; one dated 9 September 2020; and one dated 11 October 2020); and
- Colleague A's witness statement as hearsay evidence which was already included in the bundle.

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 called by the TRA:

- Witness C, [REDACTED]
- Colleague B, [REDACTED]

The panel heard oral evidence from Mr Ruz and from the following witnesses called by Mr Ruz:

- Witness D, [REDACTED]
- Witness E, [REDACTED]

## **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 Ruz commenced employment at Brighton College ('the College') from 1 September 2005.

In November 2017, Colleague A made allegations against Mr Ruz. [REDACTED] was appointed as the investigating officer and a report was produced. On 17 November 2017, a disciplinary hearing was conducted.

On 9 June 2018, Colleague A raised a formal grievance into the College's handling of the concerns raised. On 17 September 2018, the College delivered a grievance outcome letter to Colleague A.

In October 2020, Colleague B also made allegations against Mr Ruz. On 19 October 2020, Colleague B contacted the police regarding Mr Ruz's behaviour. Mr Ruz was arrested by the police on 20 October 2020.

The college was informed by the police, on 16 January 2021, that the police investigation had been concluded and that no further action would be taken.

Witness C having been appointed as the investigating officer completed an investigation into Mr Ruz which commenced on 21 January 2021.

A disciplinary hearing was conducted on 11 March 2021 and Mr Ruz ceased employment with the College.

The matter was referred to the TRA on 8 April 2021.

## **Findings of fact**

The findings of fact are as follows:

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

**1. Between 21 September and 11 November 2017, behaved in an inappropriate and/or harassing manner towards Colleague A in that you:**

**a) On or around 22 September 2017 sent an email to her attaching a photo of her with the comment "nice";**

The panel noted that Mr Ruz partly admitted allegation 1a).

The panel noted the email which Mr Ruz had sent to Colleague A on 22 September 2017 with 2 photographs attached, saying 'Nice....'.

The panel noted the witness statement of Colleague A. Colleague A explained that she first met Mr Ruz in July 2017 when she went into the [REDACTED]. She met him again in August 2017 to collect her login details.

Colleague A submitted that on 13 September 2017 she received flowers at her home address, being the address that the College held for her on the system. Initially, Colleague A did not know who had sent the flowers but, Mr Ruz later told her at some point during the year that he had sent her flowers but disputed the date of sending.

Colleague A stated that, on 14 September 2017, she received an email from Mr Ruz via his work email address inviting her to go sea swimming. Colleague A was initially happy to be invited and as a result she exchanged mobile numbers with Mr Ruz. Colleague A explained that Mr Ruz was aware that she liked to swim as she had expressed this in an assembly where she had introduced herself. On 15 September 2017, Colleague A went sea swimming with Mr Ruz, Person F and Witness D. Colleague A expressed no concerns regarding this day.

Later that day, Colleague A received some distressing personal news regarding her [REDACTED]. Colleague A believed that her judgment during this period of time was “off” and that she was not looking out for red flags, being in quite a vulnerable position. Colleague A thought that she may have shared the information she had received with Mr Ruz, however, she could not recall when.

On 22 September 2017, Colleague A stated that she received an email from Mr Ruz with the caption “nice...”. The email contained an attachment of a photo of Colleague A working at the David Dunn relays on the beach. Colleague A explained that the David Dunn relays is a 200m sea swim followed by a beach run in memory of a teacher that taught at the College. Colleague A was at the event [REDACTED]. Mr Ruz was at the event taking photographs. Colleague A did not know whether the College had requested him to take these photographs or whether he did this of his own accord. Mr Ruz gave oral evidence and stated that he had been requested to do this by the College. Colleague A was unaware that photos of her were being taken.

Whilst the panel acknowledged that Mr Ruz had admitted to sending Colleague A an email with a photo of her saying “nice” the panel did not consider that, at the time, this amounted to behaving in an inappropriate and/or harassing manner. The panel found that the context within which they felt that Mr Ruz had done this was in line with his oral evidence and was due to the relationship that Mr Ruz felt he had with Colleague A at the time, even as friends. The panel noted that Mr Ruz was present on this occasion in the capacity of photographer and there was no evidence to suggest that this photograph was sent to anyone other than Colleague A. The panel accepted that, on reflection, Colleague A may now feel that this was inappropriate and/or harassing behaviour but felt that Mr Ruz’s intentions at the time were genuine due to his perceived friendship with Colleague A. The panel found Mr Ruz’s oral evidence on this point to be credible and genuine.

The panel also considered the oral evidence and written statement of Witness D, who stated that he was aware of Mr Ruz starting a friendship/relationship with Colleague A (as they all went swimming together one morning) but understood that it was short lived and kept very private. The panel considered Witness D’s oral evidence which seemed to corroborate Mr Ruz’s understanding that there was a friendship or relationship with Colleague A as Witness D discussed with another colleague who was swimming with them at the time that there was “*something magic in the water.*”

Whilst the panel found that Mr Ruz had sent an email attaching a photo with the comment “nice”, the panel did not consider, on the balance of probabilities, that in the context this amounted to inappropriate or harassing behaviour towards Colleague A. The panel was satisfied that this comment or sending the photo was done with any malicious intent and that Mr Ruz genuinely believed they were friends.

The panel therefore found allegation 1(a) not proven.

**b) Sent text and email messages to her after she had requested you desist from communicating with her on 25 September 2017;**

The panel noted that Mr Ruz admitted allegation 1(b).

The panel noted the text messages between Colleague A and Mr Ruz submitted as part of the bundle. The panel noted the following text exchange in particular:

- Monday 25 September 20:57, Colleague A to Mr Ruz:

*“I’ve got to be really blunt about this, but this has to stop. Text messages, letters at work, photos of me when I’m working. Flowers to my house. [REDACTED]. I trust that you will respect this. I do not want to pursue any sort of relationship with a colleague.”*

- Mr Ruz to Colleague A:

*“I understand this, Colleague A, and I want you to do well in your job. I have done my best not to show my feelings at work. My problem is that I have liked you from the start and cannot stop thinking about you.”*

Colleague A received an additional text message from Mr Ruz, to which she responded *“I’d ask you to respect my wishes and just leave it there. Nothing is going to happen.”*

The panel also noted an email exchange between Mr Ruz and Colleague A:

- Mr Ruz to Colleague A at 08:16 on the 30 September 2017 with the subject ‘*This awkward and embarrassing silence*’:

*“Yes, I hated the moment when I saw you yesterday in the lunch queue, with this awkward and embarrassing silence. You were keeping well away from me and did not even look me in the eyes once...what did I do which was so wrong??*

*I thought I saw you the other day on the sea front and I nearly run after this person. I didn’t. know I regret this in case this was really you, and I could have told you those things.*

*Last week, with you at the pub and then in your parents’ house, sharing our lives to each other, eating French saucisson, drinking Spanish red wine and venturing on the ‘slippery*

*slip', you gave me a few glimpses of happiness in my life, or what it could be like. Beyond the excitement of the moment and the obvious physical attraction, I also thought there was a connection there, maybe something to nurture and develop for the future. But obviously, I don't know anything about women and relationships..."*

- Colleague A to Mr Ruz:

*"This has to stop now. You cannot harass me any [me]. The emails, text messages, letters, turning up at my house uninvited. I thought I had made it very clear that I'm not interested. I will have to report this if you continue. This is harassment. Do not contact me again."*

The panel noted the witness statement of Colleague A which was admitted as hearsay evidence and considered the appropriate amount of weight to place on hearsay evidence accordingly.

Colleague A submitted that, on 27 September 2017, she received a text message from Mr Ruz stating, *"why am I going crazy??"*. On 28 September 2017, she also received an email from Mr Ruz stating *"fresh from this morning.... Although you probably don't care, I thought you should be the first woman to know"*. Underneath the writing was a photo of his left hand. Colleague A believed that he was indicating the removal of his [REDACTED].

Colleague A also received a further email from Mr Ruz on 30 September 2017.

Colleague A responded again to his email as above. Colleague A recalled having received a response via email stating, *"deleted number.....deleted emails and I will now try to erase any memories from my brain and pretend nothing ever happened"*. Colleague A submitted that she was worried at this point because it had now gone too far, and Mr Ruz was not listening to what she was saying.

Colleague A explained that by this point, 30 September 2017, she had only been at the College for around 4 weeks and was on probation. Mr Ruz, however, was a senior member of staff although in Mr Ruz's oral evidence he made it clear that he did not consider himself to be part of senior management. Colleague A considered that Mr Ruz's behaviour was getting progressively worse.

The panel considered Mr Ruz's oral evidence within which he stated that he recalled Colleague A asking him to cease contact and that he decided to remove Colleague A's contact number from his phone and delete all messages in order to *"get over it."* Mr Ruz then went on to state that he admitted he didn't stop contacting Colleague A straight away and that this was not meant with any malicious intent but that this was instead because he needed closure. The panel heard oral evidence from Mr Ruz who admitted that he should not have done this after Colleague A asked for him to stop contacting her. The panel therefore considered this to be inappropriate and/or harassing behaviour

towards Colleague A in that she had requested him to cease contact and he continued to do so on more than one occasion.

The panel found allegation 1(b) proven.

**c) Placed handwritten letters to her in her 'pigeonhole' after she requested you desist from communicating with her on 30 September 2017; and**

The panel noted that Mr Ruz admitted allegation 1(c).

Colleague A stated she had received a handwritten letter in her pigeonhole from Mr Ruz on 2 October 2017. She showed the letter to her line manager, Person G, and told him that if the harassment continued, she would make a formal complaint.

Colleague A also received a further letter, which the panel had sight of. Mr Ruz had written and placed this in Colleague A's pigeonhole and the letter was dated Tuesday 17 October. It read:

*"Colleague A,*

*Whatever is going on at the moment cannot continue much longer. Each time I see you around the School my heart stops. Then, I have to catch my breath and regain my composure. This is not good. It is not going away and it is dragging me down. From my side, what happened 4 weeks ago was genuine. I just followed my guts, took a chance, and gave myself unreservedly. You played your part in this.*

*I believe I deserve better than some 'blunt' text messages on been accused of harassment! All I am asking for is the chance to have a proper chat, face to face, like mature adults. So I can understand, be at peace, get on with my work, and continue to rebuild my life the best I can.*

*Thank you.*

*Raphael"*

The panel considered oral evidence from Mr Ruz that he had continued to contact Colleague A after Colleague A requested him to stop but noted that they only had sight of one document after this date although noted that Mr Ruz accepted that there were more than one.

The panel considered this to be inappropriate and/or harassing behaviour towards Colleague A in that she had requested him to cease contact and he continued to do so on more than one occasion with letters in Colleague A's pigeonhole.

The panel found allegation 1(c) proven.

**d) Visited her in her office at work on 10 November 2017 and told her “I can’t get you out of my head” or words to that effect;**

The panel noted that Mr Ruz admitted allegation 1d).

The panel noted the witness statement of Colleague A. On 10 November 2017, Mr Ruz went to Colleague A's office, stating that he had another letter for her. Colleague A told him that she did not want to read his letters. Colleague A also told him that he needed to leave her alone to which he responded, “*I can’t get you out of my head*”. Colleague A told Mr Ruz that she was not interested and had to physically push him out of her office and lock the door. Up until this point, Colleague A stated that she thought that she could manage it alone, however, she submitted that this incident had scared her.

Mr Ruz did not accept that he was pushed out of the office by Colleague A.

After this incident, she showed Person H the letters that she had received from Mr Ruz.

The letter dated 10 November 2017 read:

*“Colleague A,*

*Sorry, but I am still stuck on this... I [need] some help to get you out of my head, and you are the only one who can do this. I don’t mind rejection, even humiliation. But I can’t cope with doubts, or even worse, regrets. Please call me for a chat. I now live in Brighton and can be available at any time*

*Raphael”*

In Mr Ruz’s oral evidence he explained how he could not stop thinking about Colleague A and the reasons why she had wanted to “*end things*” and stop contact.

The panel found that Mr Ruz had said to Colleague A, “*I can’t get you out of my head*” or words to that effect at that, in saying this, the panel considered this to be inappropriate and/or harassing behaviour towards Colleague A due to the impact the repetitive nature of this behaviour had clearly had on Colleague A as described in her written statement.

The panel found allegation 1d) proven.

**2. On an unknown date on or prior to 18 September 2017, used the school’s information management system (iSAMS) to access Colleague A’s address and/or the road Colleague A lived on for purposes other than for work, and for your own private purposes;**

The panel considered that the presenting officer had invited the panel to use its discretion to amend this allegation during the hearing in light of the case of *PSA v HCPC & Doree [2017]* to the extent that the date of 18 September 2017 may not be the correct

date but that Mr Ruz had admitted to accessing the Integrated Student Aid Management System (“iSAMS”) system on either the evening of 18 September or the morning of 19 September 2017. Mr Ruz made it clear in his oral evidence on this point that he was in agreement to amending the date of the allegation accordingly and, as such, the panel reached its decision based on the evidence Mr Ruz gave that he had accessed the School’s system on or after 18 September 2017.

The panel noted the witness statement of Colleague A, who stated that on 18 September 2017, she received a text message from Mr Ruz stating that he was driving past her house. She submitted that Mr Ruz later came round. Colleague A could not recall whether she asked Mr Ruz how he found her address, as at no point prior to this had she disclosed her home address to him. At the time, she did not feel that she was able to question him on this as he was a senior staff member. Colleague A concluded that he had looked up her address on the iSAMS, which he later admitted to. Colleague A stated that she was not scared nor did she feel in danger, but she started to have concerns.

The panel considered the oral evidence of Mr Ruz who admitted that he, “*should not have done it*” but that he had explained the context for having done so which was following a meeting with Colleague A the day before during which Mr Ruz submitted that she told him roughly where she lived and therefore, he said, he wanted to be sure. Mr Ruz made it clear that he had no malicious intentions in accessing this data but appreciated that it is an issue and that he should not have done so.

Mr Ruz also admitted that he had checked iSAMS system on a second occasion on 21 September 2017 when he had looked for the precise postcode in order to arrange a delivery of flowers.

The panel therefore found allegation 2 proven.

**3. In 2020, behaved in an inappropriate and/or harassing manner towards Colleague B in that you:**

- a) over the period from April to October 2020, contrived to have frequent and unnecessary contact with Colleague B including at the beach, in [REDACTED] and at work;**

The panel noted that Mr Ruz denied allegation 3a).

The panel noted the witness statement and oral evidence of Colleague B. By way of background, Colleague B explained that she had known Mr Ruz since starting at the College in August 2015.

Colleague B referred to having had a drink with Mr Ruz in approximately 2017; she could not recall the exact date of this but explained that she thought by having a drink with Mr



Ruz, it would stop his numerous requests. The day after she had a drink with Mr Ruz, she received a postcard from him in her pigeonhole. Colleague B explained that Mr Ruz's behaviour slowly "*ramped up*".

On 18 October 2020, Colleague B submitted that she completed the Suzy Lamplugh on-line survey based on her experience with Mr Ruz. Post completing the survey, the response was that Colleague B should contact the police immediately which she did.

The panel noted the witness statement and oral evidence of Witness C. Witness C explained that on 13 October 2020, Colleague B sent Person I an email concerning Mr Ruz. In the email, Colleague B stated that she "*had a rather odd encounter with a staff member outside of the Co-Op to the extent that the person behind and in front of me in the queue volunteered their phone numbers as witnesses without my solicitation*". This incident forms the basis of allegation 3e) which was an interaction between Mr Ruz and Colleague B.

On 19 October 2020, Witness C conducted a meeting with Colleague B, together with Person I and Person J, a teacher at the College. Colleague B explained how over an extended period she felt that Mr Ruz had pestered her as to possible social contact, followed her and contrived to find ways to engage with her, made inappropriate remarks, and behaved in an intimidating way. Colleague B explained how matters came to a head as a result of the incident that took place outside the Co-op on 13 October 2020 when she reported that Mr Ruz had been intimidating.

As part of the investigation, on 27 January 2021, Witness C met with Colleague B. During the interview, Colleague B set out a number of occasions when she felt that Mr Ruz was constantly "*bumping*" into her/seeking her out. Examples of this included on the beach in summer 2020 where Colleague B changed location and later avoided the beach to avoid Mr Ruz, and regularly in coffee shops in [REDACTED] at weekends which would be at different times and locations.

Witness C also met with Mr Ruz on 1 February 2021. Mr Ruz stated that he did not intentionally set out to intimidate or harass Colleague B, [REDACTED]

The panel heard oral evidence from Mr Ruz who made it clear that it was part of his normal routine to regularly visit [REDACTED], the beach and his place of work including outside working times and that he did not have any malicious intent in doing so.

In Mr Ruz's oral evidence he commented on his bank statements in the bundle which showed regular purchases in [REDACTED] and that visiting this location was part of his daily routine. Also, Mr Ruz explained that he regularly went for swims on the beach especially in summer and that this was his way of relaxing outside of work.

The panel also heard evidence from Witness D that Mr Ruz would regularly visit the beach and [REDACTED] and would keep various clothing items in the main changing

room at his workplace and that this was commonplace for both he and Mr Ruz as they both kept items at the College. Witness D said that Mr Ruz would often go for a swim at the beach, take photographs or have a coffee in these locations and that he would also do this as a way to relax around work commitments.

The panel noted from Mr Ruz's bank statements that it was not unusual for him to attend and make purchases in [REDACTED] sometimes up to five times per day and that this was the main street in the area. The panel also noted that Witness D gave credible evidence that this was Mr Ruz's normal routine.

On the balance of probabilities, the panel did not conclude therefore that Mr Ruz had contrived to have frequent or unnecessary contact with Colleague B in this regard or that he had behaved inappropriately and/or in a harassing manner towards Colleague B.

The panel found allegation 3a) not proven.

**b) In or around May 2020, sought Colleague B out in the art department of Brighton College and attempted to take a photo of Colleague B;**

The panel noted that Mr Ruz partially admitted allegation 3b).

The panel noted the investigation report which set out times Colleague B had noted Mr Ruz had 'bumped' into her. The report stated that in May 2020, while there are contradictory accounts, Colleague B contended that Mr Ruz came to the department to purposefully see her and 'chased' her around the room trying to take a photo.

The report noted that Mr Ruz had expressed, *"I thought Colleague B and I were friends and she would have an interest, I wanted to say, look what I found"*, referring to an analogue camera which he had brought with him and recently found in another department. Mr Ruz went on to say Colleague B got annoyed when he wanted to take her photograph, so he didn't take it and she said, *"she will throw it [the camera] through the window."* The report noted that this surprised Mr Ruz as Colleague B was a photographer as well. The report stated that Mr Ruz said that Colleague B was annoyed and so he left.

The panel noted that Person K, (who had been present on the day in question along with another colleague), had said in an investigation meeting dated 28 January 2021 that when Colleague B said *"do not take photos of me"* she was stern. The investigation report stated that this would indicate that Colleague B had asked Mr Ruz on more than one occasion to not take photos of her.

The panel heard oral evidence from Colleague B who said that Mr Ruz had sought assistance from her as the Head of Photography at the College to assist with putting a film in an old analogue camera but noted that she could not recall if she helped him with this or not.

The panel considered Mr Ruz's oral evidence within which he stated that he would often assist Colleague B with IT difficulties and would help other colleagues as this was part of his role. Mr Ruz explained in oral evidence how he had emailed her in advance as he was excited about finding the camera and thought Colleague B would be interested, which she responded to enthusiastically to say "*wow, this is amazing!!*". Mr Ruz explained that he did want to take a photograph and had of the other colleagues present but when Colleague B reacted as she did he didn't take one and left.

On the balance of probabilities, the panel whilst the panel found that Mr Ruz had sought out Colleague B and attempted to take a photo of her, the panel did not conclude in the context that Mr Ruz had behaved inappropriately and/or in a harassing manner towards Colleague B. The panel did not feel that this met the threshold of harassment or inappropriate behaviour.

The panel found allegation 3b) not proven.

**c) On various dates in 2020, commented on Colleague B's clothes and shoes;**

The panel noted that Mr Ruz denied allegation 3c).

The panel noted the witness statement and oral evidence of Colleague B. Colleague B submitted that Mr Ruz made comments about her shoes and clothes often in various places around the College. He made these comments sometimes when passing in the corridor, in the Staff Room, in his IT office and in emails.

The panel considered Mr Ruz's oral evidence which was that he could only recall one occasion where he had made a comment about Colleague B's shoes or clothes. Mr Ruz also said that Colleague B accepted compliments and never raised any concern with him about this. Mr Ruz thought that they were friends and did not intend to cause any malice in doing so. Mr Ruz also recalled how Colleague B had, on occasion, commented on his suits and ties which she confirmed.

The panel noted Witness C's oral evidence within which she stated that it was not unusual for colleagues to compliment each other on clothes or shoes in a professional way.

While the panel noted that the accounts varied as to the number of occasions, the panel did not consider that there was sufficient corroborated evidence of this having happened on more than one occasion or that the intention was inappropriate or harassing.

On the balance of probabilities, the panel did not conclude therefore that Mr Ruz had behaved inappropriately and/or in a harassing manner towards Colleague B by commenting on her clothes and shoes.

The panel found allegation 3c) not proven.

**d) On or around 11 October 2020, emailed Colleague B inviting her for a sail on your boat with [REDACTED], despite her making clear that she was not interested in that invitation on previous occasions;**

The panel noted that Mr Ruz partly admitted allegation 3d).

The panel noted the witness statement and oral evidence of Colleague B. Colleague B received an email from Mr Ruz on 11 October 2020, asking if she wanted to go for a sail on his boat with [REDACTED]. Colleague B explained that this email angered her, as she has previously turned down numerous invitations. Colleague B started to keep a log of all isolated incidents, as she was *“at the end of my tether”*.

The panel noted that due to Mr Ruz’s [REDACTED] and the fact that Colleague B had only politely declined with what Mr Ruz perceived to be genuine reasons for her not being available he may not have been able to understand that Colleague B found this behaviour inappropriate or harassing in nature. Mr Ruz did acknowledge, in hindsight, that he could now understand that this might have been seen as harassing.

The panel noted that Mr Ruz had also invited other colleagues on his boat on other occasions which is something that Witness D confirmed in his oral evidence.

In Mr Ruz’s oral evidence he admitted to having invited Colleague B three times to go on his boat and that sometimes she did not respond at all. The panel noted an occasion where Mr Ruz had apologised for having startled Colleague B in a coffee shop but then asked her again if she wanted to go on his boat. Colleague B had replied at the time saying she had not been startled and had to leave anyway but in her statement and oral evidence said that she had been angry but still didn’t want to be rude in turning the invitation down.

The panel considered that Mr Ruz did make numerous invitations for Colleague B to join him on his boat with [REDACTED] despite Colleague B having declined previous invitations and, as such, could see that this may have been inappropriate and/or harassing behaviour towards Colleague B due to the repeated requests. Although the panel didn’t necessarily think that Mr Ruz intended for this to be harassing or inappropriate, the panel could see how this might have felt harassing or inappropriate to Colleague B.

On the balance of probabilities, the panel found allegation 3d) proven.

**e) On or around 13 October 2020, approached Colleague B saying words to the effect of “I can’t get you out of my head”;**

The panel noted that Mr Ruz admitted allegation 3e).

The panel considered the email Colleague B had sent to Person I from her personal email address on the 13 October 2020 at 17:23. Colleague B stated in this email *“I’ve just had a rather odd encounter with a staff member outside the Co-Op to the extent the person behind and in front of me in the queue volunteered their phone numbers as witnesses without my solicitation. I am sending this from my personal email as I am not sure to what extent this colleague is able to access my communications. Is it possible to come and speak to you as the experience left me quite shaken.”*

The panel noted the witness statement and oral evidence of Witness C, who explained that on 22 October 2020, she received a call from Person L, a member of the public, who witnessed the incident that took place outside Co-Op on 13 October 2020. Person L explained how she was standing behind Colleague B in the queue outside Co-Op. Person L recalled a man walking past and saying to Colleague B, *“you have really got in my head”* or words to that effect, to which Colleague B responded, *“I had no intention of being in your head”*. The man repeated *“you have really got in my head”* and was pointing at Colleague B, he then walked on. Person L stated that the man had a very unpleasant passive-aggressive smile on his face.

The panel heard Colleague B’s oral evidence during which she stated that Mr Ruz was in her face, banging his umbrella on the floor and pointing at her forehead although Mr Ruz denied that he was aggressive, that he banged his umbrella in the manner suggested or that he was close enough to point in Colleague B’s face.

The panel heard Mr Ruz’s oral evidence within which he admitted to wondering whether the friendship could develop further and that he *“needed”* to answer this question and that he admitted that this had become a problem which he *“needed”* to solve in his head. Mr Ruz acknowledged that he had acted on the spur of the moment and that pupils or parents of pupils from the College could have witnessed this interaction which he accepted was inappropriate. The panel also noted that Mr Ruz had sent what he intended as a letter of apology the following day and stated that he had probably embarrassed himself as a result of the awkward moment and for making her feel uncomfortable.

The panel concluded that this incident was more likely than not to have had an inappropriate and harassing impact on Colleague B.

Accordingly, on the balance of probabilities, the panel found allegation 3e) proven.

**f) On or around 14 October 2020, visited Colleague B’s home address and hand-delivered an inappropriate letter to her; and**

The panel noted that Mr Ruz admitted allegation 3f).

The panel had sight of the printed letter dated 14 October, addressed to Colleague B from Mr Ruz. The letter read as follows:

*“Yesterday, it must have been quite an awkward moment for you and I am truly sorry I made you feel uncomfortable. You once told me that ‘sometimes, it is good to talk’, so I took a big breath and tried, even if I am not every good at this. I probably embarrassed myself even more.*

*So this is what I really wanted to tell you... I just hope you can understand that I needed to get this off my chest, as this has been stirring me for quite a while now, maybe for up to 3 ½ years, since we had that strange chat in the pub.*

[REDACTED].

*...The person I was really missing and who constantly came back to my mind was not her... but you!*

*...Once again, you have done nothing wrong; you were just being yourself. I can only think this is the result of [REDACTED] Work, photography, music, sailing or swimming in cold water are still not enough for [...] escape...*

The panel noted the witness statement and oral evidence of Witness C. Witness C stated that Colleague B explained that on 14 October 2020, she had to go home during the day and found a letter from Raphael Ruz on the floor. This was a letter that expressed Mr Ruz’s feelings towards Colleague B. Colleague B stated that she was concerned whether Mr Ruz intended to leave the letter there or had planned to see her. Colleague B explained that she was greatly concerned by the fact that Mr Ruz knew her home address and as a result stayed in a hotel with [REDACTED] the following night.

The panel considered that the content of Mr Ruz’s letter was inappropriate and that this made Colleague B feel harassed especially given Colleague B’s oral evidence during which she commented that she felt that her home was “*her safe space*” and she felt increasingly anxious after this incident. It was clear that this, combined with the events of the day before, had a serious impact on Colleague B.

The panel heard Mr Ruz’s oral evidence that there were ways he could have apologised to Colleague B other than by a hand delivered letter to her home address and that he accepted that this made Colleague B feel harassed even though this was not his intention.

The panel found allegation 3f) proven.

**g) On or around 16 October 2020, having been told not to be in contact with her, you attended ‘The Well’, where Colleague B was;**

The panel noted that Mr Ruz partially admitted allegation 3g).

The panel noted the witness statement and oral evidence of Colleague B, who stated that on the 16 October 2020 at 17:47, she went to The Well with some friends. She submitted

that Mr Ruz walked in and out to purchase cider, and that she knew he had seen her as they caught eyes as he was leaving.

Colleague B submitted that the College had assured her that Mr Ruz had agreed to keep out of the [REDACTED] area. She stated that the [REDACTED] area was where she lived, and that he lived at the Marina. Colleague B stated that this stepped up her feelings of becoming paranoid.

The panel noted that Mr Ruz had not been told specifically not to attend the [REDACTED] area although noted that Colleague B may have believed this to be the case and that this was a misunderstanding. The panel noted that this was the only shop selling the particular cider that Mr Ruz wanted and that it was therefore reasonable for him to seek to purchase this from The Well in [REDACTED].

The panel heard Mr Ruz's oral evidence and found him to be genuine in his recollection that he had not seen Colleague B and had not interacted with her and left immediately after purchasing the cider. The panel also noted from Mr Ruz's bank statements that this was somewhere he regularly visited and it was not unusual for him to go there to purchase his favourite cider. The panel did not consider that Mr Ruz attending The Well in these circumstances amounted to inappropriate and/or harassing behaviour towards Colleague B.

The panel found allegation 3g) not proven.

**4. On an unknown date on or prior to 14 October 2020, used the school's information management system (iSAMS) to access Colleague B's address, for purposes other than for work and for your own private purposes; and**

The panel noted the witness statement and oral evidence of Witness C, who stated that, in the meeting she had with Mr Ruz on 14 October 2020, Mr Ruz confirmed that he checked Colleague B's address on iSAMS, stating, *"I wouldn't want to have dropped this in the wrong letterbox, so I did double check the exact number on iSAMS"*. Mr Ruz stated that he knew this was against the College policy.

Witness C stated that on the 19 October 2020 she conducted a meeting with Colleague B where there was a suggestion from Colleague B that Mr Ruz may have improperly accessed data about her in order to obtain her address from the College system.

The panel noted in Mr Ruz's oral evidence he accepted that this was a foolish thing to do and that he thought he *"needed"* to do this at the time but, as soon as he had he realised he should not have done so. Mr Ruz stated in his oral evidence that he did already know the street that she lived on, his having lived on the same street for a few weeks previously but he had forgotten the number.



The panel found that Mr Ruz had therefore accessed the iSAMS system and Colleague B's home address other than for work and for his own private purposes.

The panel found allegation 4 proven.

**5. Your conduct at paragraphs 1 and/or 2 and/or 3 and/or 4 was sexually motivated.**

The panel noted from the bundle of documents before it that Mr Ruz denied that his conduct was sexually motivated and denied allegation 5.

Mr Ruz also gave oral evidence that his conduct was not sexually motivated.

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship". The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* set the bar too high. The Court of Appeal upheld the decision of the High Court. However, the panel noted the Court of Appeal's comments that the primary requirement is to consider all the evidence and to determine, on a balance of probability, whether there was sexual motivation.

The panel found Mr Ruz's intentions for many of the allegations to be to seek closure or to clarify the nature of the friendships. Specifically in relation to Colleague A, he stated that he accepted the relationship was over following her text messages but he needed to understand why in order to achieve closure.

In respect of Colleague B, Mr Ruz felt that he had a friendship which could develop but he did not know and in his mind needed clarification but that there was no sexual motivation. The panel did not consider that Mr Ruz's primary motivations were sexual and that it was more likely that his motivations were to seek answers and gain understanding as to where he stood in respect of both colleagues.

On examination of the documents before the panel and consideration of the wider documentary and oral evidence, the panel concluded that Mr Ruz's conduct was not sexually motivated.

The panel found allegation 5 not proven.



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

Having found allegations 1b), 1c), 1d), 2, 3d), 3e), 3f) and 4 proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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, for the reasons set out below, that the conduct of Mr Ruz, in relation to the facts found proved, (save for allegation 3d)) involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Ruz 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, and maintain high standards.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Ruz’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of harassment and/or stalking was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel had found allegations 1b), 1c), 1d), 2, 3e), 3f) and 4 proved and that based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that some of the allegations took place outside the education setting. However, Mr Ruz's conduct was towards a colleague of his at the College, and therefore the panel believed this impacted his profession as a teacher.

When considering allegation 3d) the panel felt that this behaviour was at the lower end of misconduct and was not therefore sufficiently serious to meet the threshold of unacceptable professional conduct.

The panel was however satisfied that Mr Ruz was guilty of unacceptable professional conduct in respect of allegations 1b), 1c), 1d), 2, 3e), 3f) and 4.

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

The 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 in respect of allegations 1b), 1c), 1d), 2, 3e), 3f) and 4. The panel did not consider the findings of misconduct to be serious in respect of allegation 3d) or that the conduct displayed specifically in relation to allegation 3d) would be likely to have a negative impact on the individual's status as a teacher or would potentially damage the public perception.

When considering allegation 3d) the panel felt that this behaviour was not sufficient to amount to conduct that may bring the teaching profession into disrepute in light of the panel's finding that this particular conduct was at the lower end of the scale in terms of misconduct.

The panel therefore found that Mr Ruz's actions in respect of allegations 1b), 1c), 1d), 2, 3e), 3f) and 4 constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of allegations 1b), 1c), 1d), 2, 3d), 3e), 3f) and 4 proved, the panel further found that Mr Ruz's conduct for all allegations proved save for 3d) 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 and 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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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/declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Ruz, which involved harassing and/or inappropriate conduct towards two colleagues and accessing the school database system for his own private purposes, there was a strong public interest consideration in protecting public confidence in the profession, which could be seriously weakened if conduct such as that found against Mr Ruz was 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 Ruz was outside that which could reasonably be tolerated. However, the panel also took note of the severity of the conduct when considering the interests of the wider public.

Although the panel did not have evidence of a specific strong public interest consideration in retaining the teacher in the profession the panel did note that no doubt had otherwise been cast upon his abilities as an educator and that he is currently teaching abroad. It was also noted that he had been a teacher for many years and achieved Head of Department status.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Ruz. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Ruz. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- abuse of position or trust (particularly involving pupils).

Having included the abuse of position of trust above, the panel noted that this the conduct in question was in relation to colleagues rather than pupils.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Ruz's actions were not deliberate although the panel did note that Mr Ruz had not deliberately intended to cause harm with his actions, in particular with regard to the harassment. The panel did however note the impact that this had had on Colleague A and Colleague B.

There was no evidence to suggest that Mr Ruz was acting under extreme duress although the panel did note Mr Ruz's health condition, [REDACTED] and the additional work caused by the COVID-19 pandemic particularly at the time of the allegations and the fact that he did not have any malicious intent to cause harm to the colleagues involved. The panel also noted the impact that this situation had had on Mr Ruz himself.

The panel noted that Mr Ruz had already shown and continued to show insight and remorse into his actions including by having [REDACTED]. The panel also noted that Mr Ruz had enhanced his level of emotional intelligence both since and because of the allegations which he had used to learn and develop in order to find out more about himself and the way in which he interacted with others.

The panel noted a character reference submitted on behalf of Mr Ruz:

Witness D, [REDACTED]:

*"Colleagues and pupils would certainly say that his strengths are his commitment, meticulous nature, work ethic and willingness to go the extra mile for anyone, in the context of work or friendship."*

No evidence was submitted which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Ruz contributed significantly to the education sector although the panel did note Witness C's evidence that Mr Ruz had not had any previous issues in respect of his teaching or given her any other cause for concern.

With respect to the relations with his colleagues, Mr Ruz explained that both events took place during a [REDACTED].

Mr Ruz understood that his behaviour had caused distress to his colleagues and expressed deep regrets for this.

The panel considered the letter from Person M, [REDACTED].

The letter explained that [REDACTED]

The letter explained that [REDACTED]

The panel noted his increased awareness of this and attempts to gain insight into behaviours and understanding the impact [REDACTED] had on his actions and indeed the strategies that he could use to control his behaviour.

The panel also considered the issue of the breach of IT policy in Mr Ruz accessing the school system for personal reasons. The panel considered this to be a serious matter, but found that Mr Ruz had acknowledged the inappropriateness of his actions and had displayed insight into this.

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. In reaching this decision the panel considered Mr Ruz's acknowledgement that he had made some poor choices to which he admitted and for which he genuinely appeared to be remorseful. While the panel noted that there were some parallels between the behaviour displayed towards Colleagues A and B and between the accessing of the IT systems for personal reasons, it found that, on balance, Mr Ruz was highly unlikely to make the same errors of judgement again due to the increased awareness of his actions, the impact they had had on others and his improved knowledge of [REDACTED].

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## Decision and reasons on behalf of the Secretary of State

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

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 some of those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Raphael Ruz should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Ruz 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, and maintain high standards.
- 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 Ruz fell significantly short of the standards expected of the profession.

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 or conduct likely to 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 Ruz, 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/safeguard pupils. The panel has observed, “Having included the abuse of position of trust above, the panel noted that this the conduct in question was in relation to colleagues rather than pupils.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel noted that Mr Ruz had already shown and continued to show insight and remorse into his actions including by having [REDACTED]. The panel also noted that Mr Ruz had enhanced his level of emotional intelligence both since and because of the allegations which he had used to learn and develop in order to find out more about himself and the way in which he interacted with others.” 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, “In light of the panel’s findings against Mr Ruz, which involved harassing and/or inappropriate conduct towards two colleagues and accessing the school database system for his own private purposes, there was a strong public interest consideration in protecting public confidence in the profession, which could be seriously weakened if conduct such as that found against Mr Ruz was not treated with the utmost seriousness when regulating the conduct of the profession.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct or conduct likely to bring the 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 Ruz himself and the panel comment “Although the panel did not have evidence of a specific strong public interest consideration in retaining the teacher in the profession the panel did note that no doubt had otherwise been cast upon his abilities as an educator and that he is currently

teaching abroad. It was also noted that he had been a teacher for many years and achieved Head of Department status.”

A prohibition order would prevent Mr Ruz 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 panel’s comments concerning insight or remorse. The panel has said, “The panel noted his increased awareness of this and attempts to gain insight into behaviours and understanding the impact [REDACTED] had on his actions and indeed the strategies that he could use to control his behaviour.”

The panel also considered the issue of the breach of IT policy in Mr Ruz accessing the school system for personal reasons. The panel considered this to be a serious matter, but found that Mr Ruz had acknowledged the inappropriateness of his actions and had displayed insight into this.”

I have also placed considerable weight on the finding of the panel that “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. In reaching this decision the panel considered Mr Ruz’s acknowledgement that he had made some poor choices to which he admitted and for which he genuinely appeared to be remorseful. While the panel noted that there were some parallels between the behaviour displayed towards Colleagues A and B and between the accessing of the IT systems for personal reasons, it found that, on balance, Mr Ruz was highly unlikely to make the same errors of judgement again due to the increased awareness of his actions, the impact they had had on others and his improved knowledge of [REDACTED].

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I agree with the panel and consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

**Decision maker: Sarah Buxcey**

**Date: 1 March 2024**

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