



Teaching
Regulation
Agency

Mr Andrew Bruce: Professional conduct panel hearing outcome

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

May 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	7
Witnesses	7
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	15
Decision and reasons on behalf of the Secretary of State	18

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

Teacher:	Mr Andrew Bruce
Teacher ref number:	8700359
Teacher date of birth:	29 June 1959
TRA reference:	17543
Date of determination:	3 May 2024
Former employer:	Bishop's Stortford College, Bishop's Stortford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 30 April 2024 to 3 May 2024, to consider the case of Mr Andrew Bruce.

The panel members were Mr Peter Ward (Lay panellist – in the chair), Mrs Shabana Robertson (Lay panellist), and Mrs Miranda Norris (Teacher panellist).

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

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson solicitors.

Mr Bruce was present and was not represented however [REDACTED] was appointed as special counsel who questioned the TRA’s witnesses on Mr Bruce’s behalf.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 19 February 2024.

It was alleged that Mr Andrew Bruce was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as A Director of Music at Bishop's Stortford College:

1. You engaged in inappropriate and/or unprofessional behaviour towards one or more pupils, including on one or more occasions:
 - a. In or around June – July 2015 entering and/or remaining in the dormitory bathroom whilst Pupil A was showering.
 - b. In or around June – July 2016 by:
 - i. Entering Pupil A and B's hotel room and asking Pupil A and/or B to remove their towels.
 - ii. Telling Pupil A and/or B to face him and/or turn around or words to that effect whilst he was naked or only wearing underwear.
 - iii. Lifted Pupil A's towel away from his body whilst he was drying, exposing his naked lower body.
 - iv. Used a towel to brush and/or wipe down Pupil A's back.
 - c. In or around June – July 2016 by asking Pupil C to sit on his lap and/or suggesting that he should.
 - d. In or around Easter 2004 by:
 - i. Asking Pupil D to remove his clothes after he had [REDACTED].
 - ii. Using his hand to rub and/or apply lotion and/or soap to Pupil D's body and/or genitals.
 - iii. Pulling back the shower curtain and looking at Pupil D whilst showering.
2. You behaved as may be found proven at 1a and/or 1b and/or 1c and/or 1d above despite previous advice and/or guidance and/or warnings regarding similar behaviour in or around 1990.
3. Your behaviour as may be found at 1a and/or 1b and/or 1c and/or 1d above was sexually motivated and/or conduct of a sexual nature.

Mr Bruce has not admitted either the alleged facts or that he is guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Use of Teacher Misconduct - Disciplinary Procedures for the Teaching Professional 2018 or 2020 Procedures

The legal adviser noted that there was an error in the notice of hearing sent to the teacher. The referral to the TRA was made on 17 September 2018, page 29 of the bundle. The notice of hearing refers to the Teacher Misconduct - Disciplinary Procedures for the Teaching Professional May 2020 on page 11 of the bundle.

The May 2020 procedures should only be used for case received by the TRA on or after 19 May 2020. Otherwise the April 2018 procedures should be used.

Therefore the teacher has been referred to the incorrect procedures in the notice of hearing.

The legal adviser confirmed that paragraph 1.6 of the May 2020 procedures allow the provisions of the May 2020 procedures to be used in the interests of justice or if there is a public interest.

The presenting officer clarified that the reference within the notice of hearing refers to the timeframe in which documents should be presented by the TRA. The documents were provided to the teacher in advance of the rules set out under the April 2018 and May 2020 procedures. The presenting officer stated that the error in the notice of hearing is likely to the use of the template. The teacher accepted this error and that it didn't cause him any prejudice.

The panel with agreement from both parties agreed to use the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession April 2018 procedures (the "Procedures") for the purposes of this hearing and as such amended the notice of hearing to make references to the Procedures.

Admissibility of Late Documents

The presenting officer has applied to admit a supplemental witness statement from Pupil A. This document was not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel is required to decide whether this document should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer and the acceptance of the document from the teacher.

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

The panel is satisfied that the document is relevant to the case as the supplemental witness statement corrects an error within Pupil A's first witness statement already within the bundle.

By reason of the above, the panel has decided to admit the document and this should be paginated as follows:

Pupil A's supplemental witness statement - page 211

Application to Amend the Allegations

An application has been made by the presenting officer to amend the Notice of Proceedings by amending allegation 1a by removing the word "dormitory". The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The teacher has consented to the application.

The panel considered that the amendment proposed being a correction of an error does not change the nature, scope or seriousness of the allegations. There is no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The teacher accepted and agreed that there had been such an error. The panel therefore decided to amend the allegation as proposed.

Excluding the Public

On the second day of evidence, the panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing. This follows a request by the presenting officer that the hearing should be in private due to questions about Pupil D's health.

The teacher did not oppose the application to exclude the public.

The panel determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the third bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing. The panel had decided at an earlier case management hearing that Pupil D was a vulnerable witness.

The panel considers that the that the request for the hearing to be heard in private, is a reasonable one due to the medical evidence about a vulnerable witness and that the teacher did not oppose the application.

Summary of evidence

Documents

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

Section 1: Chronology and Anonymised Pupil List – pages 5 to 8

Section 2: Notice of Hearing and Response – pages 9 to 13

Section 3: TRA Witness Statements – pages 14 to 27

Section 4: TRA Documents – pages 28 to 199

Section 5: Teacher Documents – pages 200 to 210

As part of the bundle there was electronic evidence of the police ABE interview with Pupil D.

In addition, the panel agreed to accept the following:

Pupil A's supplemental witness statement - page 211

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

Witnesses

The panel heard oral evidence from

The TRA's witnesses:

- Pupil A, [REDACTED] at Bishop's Stortford College (the "School")
- Pupil B, [REDACTED] at the "School"
- Pupil D, [REDACTED]

Mr Bruce's witnesses:

- Andrew Bruce

Decision and reasons

The panel announced its decision and reasons as follows:

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

In September 1986, Mr Bruce was employed as the Director of Music at the School. Around Easter 2004, Mr Bruce assisted the Royal School of Church Music with a residential course in Worksop. In June/July 2015, Mr Bruce arranged a school trip to Belgium for students. In June/July 2016, Mr Bruce arranged a school trip to Normandy, France for students. In November 2017, Mr Bruce was suspended following allegations made by Pupil D to the police. On 3 July 2018, the School received a complaint from Pupil A's parent, and Mr Bruce was again suspended. On 5 September 2018, Mr Bruce resigned from his role.

Findings of fact

The findings of fact are as follows:

- 1. You engaged in inappropriate and/or unprofessional behaviour towards one or more pupils, including on one or more occasions:**
 - a. In or around June – July 2015 entering and/or remaining in the bathroom whilst Pupil A was showering.**

The panel heard evidence from Pupil A that he attended a residential trip to Belgium during which Mr Bruce was a supervising teacher. [REDACTED].

Pupil A stated that the shower had a screen that was lightly frosted. Pupil A stated that you could see through the screen. Pupil A, in written evidence, stated that he closed the door whenever he was showering.

Pupil A alleged that whilst he was showering, Mr Bruce would come into the bathroom on multiple occasions and ask if he was showering properly. Pupil A said he knew it was Mr Bruce because he could see him through the screen.

Mr Bruce stated in evidence that he would often walk between rooms to encourage pupils to be ready to move on to the next activity, such as getting ready for dinner. In written evidence, Mr Bruce admitted to putting his head around the door to ensure Pupil A was showering. Mr Bruce commented that he did not linger. In oral evidence, Mr Bruce stated that he did look through the door or the crack to see if Pupil A was showering but did not enter the room.

The panel found that Pupil A's evidence was credible and consistent in terms of the accounts he gave in relation to this allegation.

The panel considered the evidence and on the balance of probabilities found that Mr Bruce did look at Pupil A whilst he was showering by opening the door to look inside and therefore concluded that Mr Bruce did enter the bathroom.

The panel therefore found that Mr Bruce's actions were inappropriate and unprofessional towards Pupil A and therefore, the panel found allegation 1.a. proved.

b. In or around June – July 2016 by:

- i. Entering Pupil A and B's hotel room and asking Pupil A and/or B to remove their towels.**
- ii. Telling Pupil A and/or B to face you and/or turn around or words to that effect whilst he was naked or only wearing underwear.**
- iii. Lifted Pupil A's towel away from his body whilst he was drying, exposing his naked lower body.**
- iv. Used a towel to brush and/or wipe down Pupil A's back.**

The panel heard evidence from Pupils A and B that they attended a residential trip to Normandy during which Mr Bruce was a supervising teacher. Pupils A and B were sharing a hotel room together.

During the trip the pupils and teachers went to the beach. Mr Bruce told the panel that sand was an issue in the hotel rooms. He asked the pupils to dust the sand off at the beach and to remove the remainder by going straight to their rooms and having a shower.

Pupil B gave evidence that as he was the first in the room he had his shower. After Pupil B finished, he went into the bedroom to towel himself and get changed as Pupil A had his shower.

Pupil A stated in evidence that after the shower, he was only wearing his boxer shorts. Mr Bruce came into the room and said that he did not trust that they had cleaned the sand off themselves properly. Pupil A alleges that Mr Bruce told him and Pupil B to remove their clothing so he could check if they had properly cleaned themselves, including being told to remove their boxer shorts. Pupil A stated that both the pupils removed all of their clothing, Mr Bruce looked them over and told them to put their clothes back on.

Pupil B stated in evidence that Mr Bruce knocked on the door and Pupil B opened the door inviting Mr Bruce in. Pupil B stated that Pupil A only had a towel wrapped about the lower half of his body with no other clothes on. Pupil B alleges that Mr Bruce asked if they had got the sand off them. Mr Bruce then walked up to Pupil A who was on the other side of the room and lifted a section of Pupil A's towel so that you could see his naked lower body. When Mr Bruce dropped the towel, Pupil A held the towel in one hand and therefore exposing a large section of Pupil A's lower body.

Pupil B then alleges that Mr Bruce asked Pupil A to spin in a circle. During the spin, Mr Bruce picked up a section of the towel and gave Pupil A two brushes down the middle of his back.

Pupil B also stated that he was asked to take his towel off and check if he had sand on him.

Mr Bruce denies that he would walk into a pupils' room without knocking. He also denies that the allegations occurred as described by Pupils A and B.

The panel note the inconsistencies between the accounts of Pupils A and B. The panel also notes that the events in question occurred seven years ago; therefore time may have had an impact on memories.

However, the panel has found that the account by Pupil A and Pupil B to be consistent with other statements they have made about the events of 2016.

The panel gave careful consideration of the evidence that it heard in respect to allegation 1.b.iv. Pupil A did not give direct evidence to support this allegation, in the absence of such evidence the panel was not satisfied that the allegation had been proved.

Having considered the oral evidence and the evidence within the bundle, the panel on the balance of probabilities concluded that Mr Bruce:

- did enter into Pupil A's and B's hotel room and ask Pupil A to remove his towel.
- told Pupil A to turn around or words to that effect when he was naked or only wearing underwear.
- lifted Pupil A's towel away from his body exposing his naked lower body.

On the balance of probabilities, the panel found that Mr Bruce's actions were inappropriate and unprofessional, therefore, the panel have found allegation 1.b.i., 1.b.ii., 1.b.iii. proven.

c. In or around June – July 2016 by asking Pupil C to sit on his lap and/or suggesting that he should.

The panel heard evidence from Pupils A and B regarding this allegation. The panel note that no evidence was provided from Pupil C.

Pupil B's provided a sketch of the dining area, showing that the pupils in attendance were seated separately. The girls were on one side of the room and the boys on the other, and the teachers sitting separately.

Pupil B stated in evidence that Pupil C had got up from his chair to use the toilets. It was during Pupil C's absence that Mr Bruce came over to the boys' table and sat in Pupil C's seat. When Pupil C came back from the toilet, Pupil B's evidence is that Mr Bruce said "come and sit on my lap" to Pupil C. Pupil B witnessed Pupil C sitting on Mr Bruce's knee.

Pupil A states that Pupil C was in his chair when he was asked by Mr Bruce to stand up and told Pupil C to sit on his lap.

When asked by the panel if the dining area was noisy, Pupil A said there were about 15 boys there but could not say if it was noisy.

Mr Bruce stated that he sat on Pupil C's chair whilst he was in the toilet. When Pupil C came back, Mr Bruce stated that there may have been some banter and he may have acted as a ventriloquist with Pupil C being at his knee but not on his knee or lap. Mr Bruce denies that he asked or suggested to Pupil C to sit on his lap.

The panel accept Pupils A's and B's account that Pupil C was at some point sitting on Mr Bruce's lap.

However, the panel on the balance of probabilities was unable to determine if Mr Bruce had asked Pupil C to sit on his lap or make a suggestion that Pupil C should. Therefore, this allegation is not proved.

d. In or around Easter 2004 by:

- i. Asking Pupil D to remove his clothes after he had [REDACTED].**
- ii. Using your hand to rub and/or apply lotion and/or soap to Pupil D's body and/or genitals.**
- iii. Pulling back the shower curtain and looking at Pupil D whilst showering.**

The panel heard from Pupil D about these allegations. The panel were told by Pupil D that in Easter 2004 he attended a residential course in Worksop held by the Royal School of Church Music. For the duration of the course, it was Pupil D's recollection that Mr Bruce was the musical director. At the time, Pupil D was aged between [REDACTED] years old.

During the night, Pupil D [REDACTED]. He sought assistance from Mr Bruce, who was responsible for a group of boys sleeping in the wing. Pupil D was seeking assistance to [REDACTED].

Pupil D stated that Mr Bruce asked him into his bathroom where he asked Pupil D to take off his clothes, which he did. Once naked, Mr Bruce placed soap on Pupil D's body and in particular his crotch and groin area. Pupil D's evidence was that Mr Bruce touched his genitals when he was cleaning him. Pupil D stated that he remembered that the soap smelled of lavender.

Pupil D stated that he was uncomfortable about the experience at the time and froze up feeling humiliated and embarrassed about the situation. The [REDACTED] was embarrassing but Mr Bruce's actions made it worse.

Pupil D was told by Mr Bruce to stay in the bathroom and Mr Bruce [REDACTED] during this time. Then Pupil D returned to his bed, cried and rocked himself to sleep. At some point, Mr Bruce came back around with a torch to make sure that Pupil D was okay. At the time, Pupil D was still crying.

Mr Bruce's evidence of this allegation was that he did not remember Pupil D or the incident of Pupil D [REDACTED].

Pupil D's evidence was that the next day, whilst he was taking a shower in the communal washroom, Mr Bruce pulled open the shower curtain and stared at him.

Mr Bruce gave evidence that he did not remember this incident. He offered a scenario whereby he may have been checking on Pupil D to see whether or not he required shower gel or shampoo. In such a case he would have passed these through the curtain without looking.

The panel heard that Pupil D has been [REDACTED] to the incidents that occurred in Easter 2004 as set out in his evidence.

Pupil D also explained why he had not reported the incident earlier. Pupil D stated that after speaking to one of his closest friends about the incident and [REDACTED], he reported the matter to the police.

The panel considered Pupil D's oral evidence as compelling. Pupil D gave credible and reliable evidence. The panel found that Pupil D's evidence consistent with no significant changes and was not discredited in any way by [REDACTED] cross examination. Pupil D explained the delay in coming forward and the panel found this understandable in the circumstances.

The panel considered the circumstances of the residential trip in respect of this allegation. The panel concluded that this was consistent with an educational setting.

The panel found that Mr Bruce's actions were inappropriate and unprofessional towards Pupil D and therefore, on the balance of probabilities the panel found allegations 1.d.i., 1.d.ii. and 1.d.iii. proven.

2. You behaved as may be found proven at 1a and/or 1b and/or 1c and/or 1d above despite previous advice and/or guidance and/or warnings regarding similar behaviour in or around 1990.

The panel has carefully considered the written evidence provided to it within the bundle of the notes taken by the headteacher in 1990. Although the panel has found some of the content illegible, it does note that the headteacher wished to talk to Mr Bruce about matters. However, it is unclear what the content of any discussions was with Mr Bruce. The panel has not been provided with minutes of any meeting, nor a formal letter setting out the advice and/or guidance and/or warnings given at the time.

Therefore, on the balance of probabilities the panel find this allegation not proved.

3. Your behaviour as may be found at 1a and/or 1b and/or 1c and/or 1d above was sexually motivated and/or conduct of a sexual nature.

The panel has found the allegations 1.a., 1.b.i., 1.b.ii., 1.b.iii., and 1.d. proven.

The panel has considered the facts of allegations 1.a., 1.b.i., 1.b.ii., 1.b.iii., and 1.d. individually and has found that Mr Bruce's conduct was in pursuit of sexual gratification.

The panel has found that on the balance of probabilities Mr Bruce's behaviour was sexually motivated and was conduct of a sexual nature.

Therefore, the panel has found this allegation proved.

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

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

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

For those allegations 1.a., 1.b.i., 1.b.ii., 1.b.iii. that post-dates 1 July 2011, the panel was satisfied that the conduct of Mr Bruce, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2 of those standards, Mr Bruce 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
- 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.

For allegation 1.d. that pre-dates 1 July 2011, with regard to Mr Bruce's conduct prior to the coming into force of Teachers' Standards, the panel had regard to its knowledge and

experience of teaching standards at that time and considered that the professional relationship between a teacher and pupil is an important one and so is teachers observing proper boundaries, and that Mr Bruce had breached this in his conduct.

The panel was satisfied that the conduct of Mr Bruce fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Bruce's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity and voyeurism were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Mr Bruce was guilty of unacceptable professional conduct.

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

The panel also considered whether Mr Bruce's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity and voyeurism were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel considered that Mr Bruce's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of allegations 1.a., 1.b.i., 1.b.ii., 1.b.iii., and 1.d. proved, the panel further found that Mr Bruce's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel took into account the written character evidence adduced by Mr Bruce.

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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Bruce 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 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.

In the light of the panel's findings against Mr Bruce, which involved entering a bathroom to see Pupil A showering in 2015. In 2016, telling Pupil A to remove his towel, to turn around whilst he was naked, and moving Pupil A's towel to expose his naked lower body. In 2004, using his hands to apply soap to Pupil D's body and genitals, and pulling the shower curtain whilst Pupil D was showering. The panel found that Mr Bruce did these actions for sexual gratification, that his behaviour was sexually motivated and conduct of a sexual nature.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bruce 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 Bruce was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Bruce had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Bruce in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit 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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;
- 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);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- 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 the mitigation offered by the teacher.

There was no evidence that Mr Bruce's actions were not deliberate.

There was no evidence to suggest that Mr Bruce was acting under extreme duress, e.g. a physical threat or significant intimidation.

The panel considered the good character evidence provided within the bundle in the form of three letters. Although the panel saw evidence of good character, it noted that in evidence, only the author of the first letter was informed about the allegations in full, the other two individuals only received a précis of the allegations. The panel noted that only the last letter was from a colleague who worked with Mr Bruce at the School and referred to his valuable contribution to the musical and pastoral life of the School, but contained no specific references to his abilities as a teacher.

Mr Bruce has demonstrated no insight or reflection or remorse into his behaviours and actions as found proven. In particular there was no insight into the harm he may have

caused Pupils A and D. In particular considering Pupil A stated in evidence that he wishes to forget the experience and Pupil D has [REDACTED] due to the actions of Mr Bruce.

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 Bruce 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 Bruce. The sexual nature and voyeuristic behaviours and conduct of Mr Bruce was a significant factor in forming that opinion. 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 not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Bruce was responsible for:

- entering a bathroom to see Pupil A showering.
- telling Pupil A to remove his towel, to turn around whilst he was naked, and moving Pupil A's towel to expose his naked lower body.
- using his hands to apply soap to Pupil D's body and genitals, and pulling the shower curtain aside whilst Pupil D was showering.

The panel found that Mr Bruce did these actions for sexual gratification, and that his behaviour was sexually motivated and conduct of a sexual nature. The panel believes that this is a case of serious sexual misconduct and sexual misconduct involving a child.

The panel took into account the issue of mitigation, however no significant mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Bruce meant that the panel could not be satisfied that there would not be repeated behaviours and/or conduct that could put pupils at risk of harm again.

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 provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Bruce 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 was satisfied that the conduct of Mr Bruce, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of inappropriate relationships with children, conduct found to be sexually motivated and of a sexual nature.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct 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 Bruce, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Bruce has demonstrated no insight or reflection or remorse into his behaviours and actions as found proven. In particular there was no insight into the harm he may have caused Pupils A and D. In particular considering Pupil A stated in evidence that he wishes to forget the experience and Pupil D has [REDACTED] due to the actions of Mr Bruce." In my judgement, the lack of insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bruce were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of the seriousness of the findings involving children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct 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 Bruce himself and the panel comment “The panel considered the good character evidence provided within the bundle in the form of three letters. Although the panel saw evidence of good character, it noted that in evidence, only the author of the first letter was informed about the allegations in full, the other two individuals only received a précis of the allegations. The panel noted that only the last letter was from a colleague who worked with Mr Bruce at the School and referred to his valuable contribution to the musical and pastoral life of the School, but contained no specific references to his abilities as a teacher.”

A prohibition order would prevent Mr Bruce 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 “Whilst there is evidence that Mr Bruce had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Bruce in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.”

I have also placed considerable weight on the finding “The panel found that Mr Bruce did these actions for sexual gratification, and that his behaviour was sexually motivated and conduct of a sexual nature. The panel believes that this is a case of serious sexual misconduct and sexual misconduct involving a child.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bruce has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

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 not offering a review period, these cases include serious sexual misconduct.

I have considered the panel's comments "The panel took into account the issue of mitigation, however no significant mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Bruce meant that the panel could not be satisfied that there would not be repeated behaviours and/or conduct that could put pupils at risk of harm again."

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 the seriousness of the findings and the lack of 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 Andrew Bruce 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 Bruce 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 Bruce has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 9 May 2024

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