



Teaching
Regulation
Agency

Miss Farah Belkhelfa: Professional conduct panel outcome

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

May 2024

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

Teacher:	Miss Farah Belkhelfa
Teacher ref number:	1854838
Teacher date of birth:	1 September 1994
TRA reference:	21039
Date of determination:	14 May 2024
Former employer:	Ormiston SWB Academy, Wolverhampton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 to 14 May 2024 by virtual means, to consider the case of Miss Belkhelfa.

The panel members were Mrs Maxine Cole (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Dr Lee Longden (former teacher panellist).

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

The presenting officer for the TRA was Ms Katherine Hannigan of Browne Jacobson LLP solicitors.

Miss Belkhelfa was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 29 February 2024.

It was alleged that Miss Belkhelfa was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a modern foreign languages teacher at the Ormiston SWB Academy:

1. On or around 8 April 2022, she acted inappropriately in the presence of one or more pupils and/or members of the public, by;
 - a. grabbing and/or pulling Child A's balaclava;
 - b. hitting Child A;
 - c. pushing and/or kicking Child A with her foot;
 - d. biting Child A.

In her response to the notice of referral dated 8 January 2023, Miss Belkhelfa admitted the alleged facts, but denied that she acted inappropriately. She admitted that in respect of the matters admitted that she was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Miss Belkhelfa noted a comment in respect of all of the allegations against her, including that she was guilty of unacceptable professional conduct, that she acted in self-defence. The panel noted that since the date of Miss Belkhelfa's admissions allegation 1.c has been amended. At the time of Miss Belkhelfa's admission allegation 1.c. stated "kicking Child A".

Preliminary applications

Proceeding in absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that the TRA has complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"). The notice of hearing was sent to Miss Belkhelfa at her last known address on 29 February 2024, over 10 weeks prior to the hearing date via first class post requiring delivery to be signed for. The notice of hearing was subsequently returned undelivered. The TRA also sent the Notice of Hearing via email on 29 February 2024 at the email address used previously by Miss Belkhelfa and this was not returned. Due to the postal notice of hearing have been returned, a trace report was conducted using open source material to ensure correspondence was being sent to the most up to date address for Miss Belkhelfa. On 6 March 2024, the trace confirmed Miss Belkhelfa's most

recent address was that to which the notice of hearing had been sent. The requirement that the notice of hearing be sent to the teacher's last known address was therefore met.

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

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

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

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

- i)* The last contact with Miss Belkhelfa was in March 2023 in an email in which she spoke of the impact of the incident upon her and of these proceedings revisiting that incident. The panel was satisfied that Miss Belkhelfa is aware of these proceedings taking place. The email sending the notice of hearing was delivered. Miss Belkhelfa was also sent a letter on 7 March 2024 referencing the hearing and including the hearing bundle, and this was signed for as delivered. Miss Belkhelfa was also sent an email on 26 April 2024 asking her to confirm her attendance and/or whether she was content for the hearing to proceed in her absence. No response has been received. The panel therefore considers that the teacher has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.
- ii)* There was no indication that an adjournment might result in the teacher attending voluntarily, or the likely length of any adjournment that might facilitate Miss Belkhelfa's attendance.
- iii)* Miss Belkhelfa is unrepresented but has not expressed any wish to adjourn to obtain legal representation.
- iv)* The panel has the benefit of representations made by the teacher, her response to the notice of her referral and her account provided during the

School's disciplinary hearing and is able to ascertain the lines of her defence. The panel has the teacher's representations addressing mitigation and is able to take this into account at the relevant stage. The panel has noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Miss Belkhelfa's account.

- v) The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vi) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at Ormiston SWB Academy ("the Academy"). The Academy will have an interest in this hearing taken place in order to move forwards.
- vii) The panel also noted that there were two witnesses prepared to give evidence, and that it would be inconvenient and potentially distressing for their attendance to be rearranged. Delaying the case may impact upon the memories of those witnesses.

The panel considers that given:

- Miss Belkhelfa's waiver of her right to appear;
- the measures referred to above that are available to address any unfairness insofar as is possible;
- the inconvenience an adjournment would cause to the witnesses;
- the public interest in this hearing proceeding within a reasonable time,

on balance, these are serious allegations and the public interest was in favour of the hearing continuing in the absence of Miss Belkhelfa.

Excluding the public

In representations dated 19 January 2023, Miss Belkhelfa expressed her wish for any report of this hearing not to be published on the government website or otherwise. It is not within the panel's power to direct that the outcome of the hearing not be published

and paragraph 15 of The Teachers' Disciplinary (England) Regulations 2012 requires that certain information be published if a prohibition order is imposed. However, the panel did consider whether the public should be excluded from the hearing. The presenting officer objected to the public being excluded, save to the extent for any portions of the hearing in which personal matters such as Miss Belkhelfa's health are to be discussed.

The panel decided not to exercise its discretion under paragraph 11(3)(a) or 11(3)(b) of the Regulations and paragraph 5.85 of the Procedures that the public should be excluded from the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted that Miss Belkhelfa has concerns about the impact on her [REDACTED] of details of this case being placed in the public domain. The panel has taken account of Miss Belkhelfa's representations, [REDACTED].

The panel has balanced the reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required. In this case the panel did not consider that it was justified to exclude the public since it would be contrary to the public interest and the interests of justice to do so. There was insufficient evidence for the panel to be satisfied that Miss Belkhelfa's claim for protection of her privacy was a reasonable one. The panel will in due course announce its findings in public, which will refute any unfounded allegations.

The panel notes that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore, considered whether there are any steps short of excluding the public that would serve the purpose of protecting personal matters such as those relating to the teacher's health, and considers that to the extent it becomes necessary during the course of the hearing to discuss such matters, the panel can consider at that stage whether to exclude the public from that portion of the hearing only.

Summary of evidence

Documents

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

Section 1: Chronology – pages 6 to 7

Section 2: Notice of hearing and response – pages 8 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 260

Section 4: Teaching Regulation Agency documents – pages 261 to 357

Section 5: Non-documentary exhibits – pages 358 to 361

Section 6: Teacher documents – pages 362 to 377

In addition, the panel agreed to accept the following:

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel also viewed the non-documentary exhibits. The panel also accepted a bundle relating to the service of the notice of hearing and a written proceeding in absence application.

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A – [REDACTED]; and
- Witness B – [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.

On 1 September 2019, Miss Belkhefha started her employment at the Academy as a teacher of modern foreign languages. On 8 April 2022, an incident occurred and Ms Belkhefha was suspended on 11 April 2022 whilst an investigation was undertaken. On 28 June 2022 the police confirmed no further action was to be taken in respect of the incident. On 21 July 2022, a disciplinary hearing was conducted and Miss Belkhefha's employment came to an end on 26 July 2022.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as a modern foreign languages teacher at the Ormiston SWB Academy:

- 1. On or around 8 April 2022, she acted inappropriately in the presence of one or more pupils and/or members of the public, by;**
 - a. grabbing and/or pulling Child A's balaclava;**
 - b. hitting Child A;**
 - c. pushing and/or kicking Child A with her foot;**
 - d. biting Child A.**

In Witness A's witness statement he described the video footage reviewed as part of the School's investigation of concerns raised by pupils regarding an incident that had occurred on the bus as pupils were going home from school on the last day of the Spring term. He stated that the videos showed Miss Belkhelfa in discussion with another youth, and speaking with a group of students. He stated that Child A's identity was unknown and Child A was wearing a balaclava. He stated that he observed on the video footage, Miss Belkhelfa approaching Child A and pulling Child A's balaclava off with force, and that in the process of this, Child A's head was pulled forward and Child A became involved in a "physical grapple" with Miss Belkhelfa. He described "almost a headlock of Miss Belkhelfa pushing and shoving the youth, and although [Child A] may not be seen as blameless, the videos showed an altercation with a number of students present."

In oral evidence, Witness A clarified that whilst he saw the balaclava being pulled by Miss Belkhelfa, he did not see the balaclava being removed. He referred to the students chanting "weirdo" towards Miss Belkhelfa and goading the situation, and he believed this to include pupils of the Academy.

The panel has viewed the video footage of parts of the incident which appeared to have been recorded on mobile phones. The panel observed Miss Belkhelfa trying to pull Child A's balaclava off, and whilst the balaclava was not removed, she could be seen pulling some black material away. The panel also observed Child A and Miss Belkhelfa grappling together.

Since Miss Belkhelfa was not present at the hearing, the panel considered whether it could take account of Miss Belkhelfa's accounts provided during the School's disciplinary hearing, and of matters others had reported that Miss Belkhelfa had said. The panel was satisfied that such evidence was admissible. It was not the sole and decisive evidence available, the panel also had the video footage of the incident and the evidence of Witness B who was present at the time of incident and was available to be questioned about what had happened. The panel could also ask questions of Witness A who conducted the investigation about matters referred to in Miss Belkhelfa's accounts.

Miss Belkhelfa provided a statement on 8 April 2022 describing what had happened. She described having got on the bus with a [REDACTED] and hearing a group of young students of between 10 – 15, if not more, shouting extremely loudly at the back of the

bus. She stated that this included students from the Academy who were shouting “Hi Miss Belkhelfa!”. She stated that she was feeling extremely uncomfortable given the level of noise and the attention on her, and asked why they were shouting so much. She stated that a couple of seconds after, she could hear a [REDACTED] wearing a balaclava shouting expletives at her. She stated that it was difficult to ignore, as the large number of students and shouting came across as extremely intimidating, so she stood and told them that she could sanction silly and confrontational behaviour, even if it was outside school. Some of the students kept repeating that she could not do this as they “did not wear the uniform”.

She stated that “the [REDACTED] who insulted me wanted to show me, [Child A] was not really impressed when asking [Child A] to get off so we could talk outside but kept repeating the offensive words anyway, along with other students being loud and observing the situation as it was a show.” She stated that she was so upset and angry that she started being physical by removing Child A’s balaclava to make Child A stop. She stated that Child A stood up, and started assaulting her and “being extremely physical as a way to hit me”. She could hear a lot of students laughing, some were filming and others started to be scared when they realised how quickly it had escalated.

Miss Belkhelfa stated that her [REDACTED] came as fast as she could and tried to separate them and that Miss Belkhelfa tried to defend herself by pushing Child A with her foot and biting Child A’s shoulder for Child A to let go of her as she was scared. She stated that her [REDACTED] struggled to pull Child A towards her, and that Miss Belkhelfa had difficulty in breathing as Child A pressed their arms against her chest, that she thought Child A put their hands around her neck as well as grabbing her leg. She stated that she kept asking Child A to let go of her and Child A shouted that they would punch her.

She stated that the bus driver asked all of the students to get off the bus, and a lady on the bus told her that the group was already loud and intimidating before Miss Belkhelfa and her [REDACTED] got on, to the point where some passengers had got off the bus. She stated that on departing the bus, she went to the police station to report the assault and provided her police reference number.

Miss Belkhelfa described Child A as being around [REDACTED], and she did not believe that Child A attended the Academy.

Miss Belkhelfa was interviewed as part of the School’s investigation on 19 May 2022. She stated that she had felt really unsafe and has previously been in situations where she has felt “deeply unsafe”. She stated that she did not want to be seen as confrontational so treated the situation exactly as if she was in the classroom and was asking a student to step outside and have a restorative conversation to understand the reasons for this actions. She stated that she had wanted to give Child A a safe place away from the disturbance and the opportunity to talk and try to calm them down. She stated that the dialogue had been “mainly me asking [Child A] to get off in an attempt to

calm the situation” and that she attempted to remove Child A’s balaclava in order to identify them. She denied having said anything inappropriate. She stated that she wanted to ask the bus driver to let her off but the bus was moving so it was unsafe for all of them. Miss Belkhelfa reflected that she should have asked Child A to remove their balaclava and asked them for their name, but she had been unprepared for the situation, and was alarmed, distressed and humiliated. She accepted that she should have acted differently but that she was trying to prevent any escalation and that she regretted her actions, but explained she had been in a narrow space with no real possibility to get out of the situation quickly.

In the disciplinary hearing, Miss Belkhelfa stated that she had not been aware of the emergency stop on the bus. She stated that she could not think of getting off the bus on her own, she was thinking of the safety of the other passengers and was concerned that if she left the bus, she would be on her own in the street and the students could have followed. She stated that she had wanted to remove Child A’s balaclava to identify them, since if they were a student, sanctions could have been issued.

Witness B had previously provided an account to the Academy on 8 April 2022. This stated that she saw Miss Belkhelfa grabbing one of the children’s balaclava, taking it off them and throwing it onto them. She stated that she then saw a child with a balaclava getting very close to Miss Belkhelfa and realised there was something wrong. She stated that she moved towards the back of the bus and grabbed the child who was pushing/grabbing Miss Belkhelfa and shouting at her in an aggressive tone. She stated they were shouting at each other and the child grabbed Miss Belkhelfa’s throat with their hand whilst Witness B was trying to separate them. She stated that she repeatedly told Miss Belkhelfa to go, and Miss Belkhelfa said she could not. She stated that she saw Miss Belkhelfa kick the child and the child continued to try and grab her. She stated that Miss Belkhelfa told Witness B that the child had used expletives towards her. Witness B stated that the child threatened to punch Miss Belkhelfa with their fist very close to her face.

In the statement, Witness B reported what Miss Belkhelfa had reported to her after the incident. She stated that Miss Belkhelfa told her she had asked the students to be quieter and that she could sanction them for being too loud, one of the students said they weren’t in uniform, and the child with the balaclava said “fuck you/ shut up bitch”. Miss Belkhelfa told Witness B that when Child A said this, she took Child A’s balaclava to intimidate them and they then attacked her. Witness B stated that Miss Belkhelfa had said that when Child A grabbed her, she bit their hand to let her go.

Witness B subsequently amended her account on 9 April 2022 to say that she saw Miss Belkhelfa throw something black (like a black cloth) at one of the students and that she did not know at the time that it was a balaclava and she did not see Miss Belkhelfa pull it off the child’s head. She explained that what she had written previously was incorrect and

had been influenced by hearing Miss Belkhefha's description of what happened as she was writing her statement.

Witness B was also interviewed as part of the Academy's investigation on 28 June 2022. She stated that she saw some students who attended the Academy on the bus. They were being very loud so Miss Belkhefha went to talk to them. Witness B stated that she was talking to a [REDACTED] at the front of the bus so did not hear the dialogue between Miss Belkhefha and the students. She stated that it was only when the physical altercation started that she went closer to intervene. She did not recognise Child A. She described that when Miss Belkhefha and Child A started fighting, Child A was quite aggressive. She stated that there were opportunities for Miss Belkhefha to have got off the bus when she was first talking to them or at some point during the altercation. She stated that after Miss Belkhefha removed Child A's balaclava, she thought she saw Child A attack Miss Belkhefha. She stated that the situation ended when the two were separated by Witness B and students started getting off the bus.

In Witness B's statement for these proceedings, she provided a further explanation of the incident. She also added that she saw some students crying and on the phone to someone, and there was a mixture of students encouraging, filming and being scared and worried during the incident. She stated that following the altercation, one of the first things Miss Belkhefha said to her was "I screwed up". Witness B also said that Miss Belkhefha had said after the incident that she had gone to the back of the bus to tell the students to be more sensible and quiet.

In oral evidence Witness B explained that she and Miss Belkhefha did not usually travel on the bus and this was an unusual occurrence as their usual journey was by tram but on this particular day the trams were not operating. She stated that very few children took the tram. On the bus, she stated that there was a large group of students of around 15 to 20, with around 12 to 15 of them being pupils of the Academy.

The panel considered whether Child A referred to in the allegations was a child since they had not been identified, and as far as the panel could ascertain, it did not appear that their balaclava was removed during the incident. The panel took account of Miss Belkhefha's description of the child, and Witness B's oral evidence of Child A's build and behaviour. Since Child A was sitting amongst a group of what Witness B described as youths including pupils of the School, the panel considered it more likely than not that Child A was indeed a child.

The panel noted that not all of the alleged behaviours could be visibly observed on the video footage, but in Miss Belkhefha's own statement she referred to pushing Child A with her foot and biting Child A's shoulder. Witness B also stated that Miss Belkhefha had told her that she had bitten Child A's hand to let her go. The panel considered that in light of Miss Belkhefha's admissions, the video footage of the altercation and the account of Witness B, that the factual matters alleged at allegation 1.a, 1.b, 1.c, and 1.d. had more likely than not occurred.

The panel then went on to consider whether Miss Belkhelfa had acted inappropriately. The panel formed the view that Miss Belkhelfa had properly intervened given the noise and disruption that the children were causing (which included pupils of the school in which Miss Belkhelfa taught). The panel was of the view that Miss Belkhelfa had, however, quickly become out of her depth, in an intimidating situation with the young people goading her and matters rapidly got out of hand. The panel recognised that Miss Belkhelfa was a relatively new teacher, that she may have been endeavouring to use tactics she would have deployed in the classroom such as inviting a restorative conversation but that she did not have the experience to understand these would not be as effective. This was a public space where she was not in control; she was outnumbered and she could not command the respect of the young people (some of whom were not pupils of the Academy). The panel took into account that getting off the bus may not have been an option readily available to Miss Belkhelfa. Witness B's evidence that the bus was travelling through an area that to Witness B's knowledge, Miss Belkhelfa did not know, and that it was not "necessarily the nicest neighbourhood to be in", which may have made it unsafe for Miss Belkhelfa to disembark, had that been a practical option.

Having intervened, given the reaction of the children, at that point, Miss Belkhelfa ought to have recognised that she was not equipped to manage the challenging behaviour of the children and retreated. Instead of doing so, Miss Belkhelfa sought to remove Child A's balaclava, making physical contact when it was unnecessary to do so, and thereby inflaming the situation. Whilst she may, thereafter, have acted in self-defence, it was her action in grabbing Child A's balaclava that initiated the sequence of events that followed. The panel therefore considered Miss Belkhelfa to have acted inappropriately.

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

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

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

The panel was satisfied that the conduct of Miss Belkhelfa in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss Belkhelfa was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- 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 Miss Belkhelfa in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Miss Belkhelfa was in breach of the requirement to use no more force than was needed, since engaging in physical contact to attempt to remove Child A's balaclava was unnecessary.

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

The panel also considered whether Miss Belkhelfa'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 violence was 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.

The panel noted that the conduct took place outside the education setting. However, in pulling at Child A's balaclava she placed Child A at the risk of injury. Her actions took place in the presence of a number of pupils which may have led to them being exposed to, or influenced by the behaviour in a harmful way.

Accordingly, the panel was satisfied that Miss Belkhelfa was guilty of unacceptable professional conduct.

The panel went on to consider whether Miss Belkhelfa was guilty of conduct that may bring the profession into disrepute. The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the

uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Miss Belkhefa's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As referred to above, the panel found that the offence of violence was 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 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.

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

The panel therefore found that Miss Belkhefa's actions constituted 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Miss Belkhefa 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 and other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public, given the serious finding that Miss Belkhefa grabbed and pulled at a child's balaclava, inflaming an already tense situation, and placing Child A and others observing the incident at risk.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Belkhelfa 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 Miss Belkhelfa was outside that which could reasonably be tolerated.

However, the panel decided that there was a strong public interest consideration in retaining the teacher in the profession. Miss Belkhelfa was a relatively new teacher, in her third year of teaching and Witness A confirmed that she had the potential to become a good teacher, that she was improving and that she was consistent in her approach although needed support to develop softer skills in building relationships with students. Although the panel heard of at least one ad hoc conversation with Miss Belkhelfa around her communication with students, there was no evidence that this had been raised with her as an area for development. Witness A stated that there was no targeted plan in place for her improvement.

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

The panel took further account of the advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the... safeguarding and well-being of pupils...;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- violation of the rights of pupils;

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

Miss Belkhelfa's actions were deliberate in that she chose to attempt to remove Child A's balaclava.

However, there was no evidence to suggest that Miss Belkhelfa was acting under duress as she chose to intervene. However, she found herself in a situation where there was significant intimidation with a group of young people goading her, chanting and shouting expletives towards her. Miss Belkhelfa may well have felt that her safety was at risk. She was on a moving bus in an area that she was unfamiliar with and may not have felt comfortable disembarking from the bus.

In representations responding to the allegations, Miss Belkhelfa also described having experienced cultural shock, [REDACTED] all as a result of living abroad. She described having been ridiculed by students inside and outside the classroom, racial slurs against her and having experienced verbal and [REDACTED] on her way home at the end of the school day, to the point where she had to leave the school later to reduce the chance of that happening. [REDACTED].

Miss Belkhelfa did have a previously good history although there was no evidence that she had having demonstrated exceptionally high standards in both her personal and professional conduct or of having contributed significantly to the education sector. Witness A confirmed there had been no previous allegations raised with the Academy against Miss Belkhelfa.

Miss Belkhelfa did not adduce any statements attesting to her character for the purpose of this hearing. However, Witness A confirmed he had observed Miss Belkhelfa's teaching, that he would have graded her ability as requiring improvement, but that she had the potential to be a very good teacher and was improving. He reported that the head of modern foreign languages at the Academy "thought a lot of her teaching ability". He described that she needed to develop her soft skills of building relationships with pupils but that there had been no specific personalised support plan in place.

Witness B described Miss Belkhelfa as being a great teacher with a lot of students, but that Miss Belkhelfa found aspects of classroom management more challenging, particularly with regard to those pupils who were more confrontational.

There were two references contained within the panel bundle dating from the time of Miss Belkhelfa's application to the Academy. Whilst not prepared for the purpose of this hearing, the panel noted that a referee attesting to Miss Belkhelfa's attendance at an initial teacher training course stated that she "conducts herself with professionalism and works diligently at all times. She is very keen to get things right and to give of [sic] her best at all times. She will be a positive addition to any MFL department and I can recommend her to you highly as a very good candidate." In terms of classroom management, the referee described Miss Belkhelfa as having "a strong classroom presence and a stern approach to managing behaviour. She is able to adhere to school behaviour policy for sanctions and she continues to work on using rewards more readily and forging even more positive relationships with pupils."

Another reference for the purpose of Miss Belkhelfa's application to the Academy was provided. This referee was Miss Belkhelfa's [REDACTED] at another Academy at which Miss Belkhelfa had been a trainee and prior to that, had been a foreign language assistant. This referee confirmed they would be prepared to appoint Miss Belkhelfa to a similar post in their organisation to that for which Miss Belkhelfa had applied. The referee also provided a "good" or "outstanding" rating in all areas for which comment had been invited, save for in respect of areas of relating to providing advice, coaching and mentoring to colleagues and other teachers. In those areas, the referee stated that Miss Belkhelfa was "satisfactory".

Miss Belkhelfa has from the time of the School's disciplinary investigation recognised that she should not have sought to remove Child A's balaclava. In representations in March 2023 she commented that she had made the wrong choice in seeking to remove Child A's balaclava and states that she still feels the utmost remorse. The panel noted that Miss Belkhelfa had not acknowledged the impact of her actions on others. The panel did not, however, perceive that Miss Belkhelfa had developed insight as to her loss of control in the face of challenging behaviour and what steps might be taken to address this in the future. She co-operated with the School's investigation and was honest about her actions. Miss Belkhelfa continues to perceive that she alone was a victim of this experience.

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 Miss Belkhelfa 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 Miss Belkhelfa. Miss Belkhelfa's actions in unnecessarily making physical contact with a child, were regarded as serious by the panel. 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.

This was a case for which the Advice indicates that it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate; it being a case involving violence.

However, this was a one off incident, in circumstances that were intimidating and Miss Belkhelfa acted in the spur of the moment, reacting to a situation that she perceived as being her responsibility to address, and which quickly got out of control. The panel was not confident that Miss Belkhelfa had been equipped with the necessary skills to handle such a situation. The panel took note of the profound impact that Miss Belkhelfa describes that this incident had on her and considered there was little risk of repetition. However, the panel considered that there was some insight and skills to be developed around managing challenging behaviour, when it is appropriate to intervene and to appreciate the impact of her actions on others.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Miss Belkhelfa 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

- 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 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 Miss Belkhelfa involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

The panel finds that the conduct of Miss Belkhelfa fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include violent conduct towards a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss Belkhelfa, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public, given the serious finding that Miss Belkhelfa grabbed and pulled at a child’s balaclava, inflaming an already tense situation, and placing Child A and others observing the incident at risk. A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“Miss Belkhelfa has from the time of the School’s disciplinary investigation recognised that she should not have sought to remove Child A’s balaclava. In representations in March 2023 she commented that she had made the wrong choice in seeking to remove Child A’s balaclava and states that she still feels the utmost remorse. The panel noted that Miss Belkhelfa had not acknowledged the impact of her actions on

others. The panel did not, however, perceive that Miss Belkhelfa had developed insight as to her loss of control in the face of challenging behaviour and what steps might be taken to address this in the future. She co-operated with the School's investigation and was honest about her actions. Miss Belkhelfa continues to perceive that she alone was a victim of this experience."

In my judgement, the lack of evidence that Miss Belkhelfa has attained full insight into her behaviour means that there is some risk of repetition and this puts at risk the future wellbeing of pupils. I have therefore given this element 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, "Conduct of this sort has the potential to damage the public's perception of, and trust in, the profession." I am particularly mindful of the finding of violent conduct in this case and the impact that such a finding could have on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and 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 Miss Belkhelfa herself. The panel notes that:

"Miss Belkhelfa did have a previously good history although there was no evidence that she had having demonstrated exceptionally high standards in both her personal and professional conduct or of having contributed significantly to the education sector. Witness A confirmed there had been no previous allegations raised with the Academy against Miss Belkhelfa."

The panel also records having considered other evidence attesting to Miss Belkhelfa's abilities as a teacher.

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of evidence that Miss Belkhelfa has attained full insight into her behaviour. I have

also given weight to the fact that Miss Belkhelfa's behaviour, notwithstanding the mitigating circumstances, involved violent conduct towards a child.

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

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

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

In doing so, the panel has referred to the Advice which indicates that 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. In addition, the panel also notes that, "the Advice also indicates that it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate; it being a case involving violence."

I have considered the panel's concluding comments:

"However, this was a one off incident, in circumstances that were intimidating and Miss Belkhelfa acted in the spur of the moment, reacting to a situation that she perceived as being her responsibility to address, and which quickly got out of control. The panel was not confident that Miss Belkhelfa had been equipped with the necessary skills to handle such a situation. The panel took note of the profound impact that Miss Belkhelfa describes that this incident had on her and considered there was little risk of repetition. However, the panel considered that there was some insight and skills to be developed around managing challenging behaviour, when it is appropriate to intervene and to appreciate the impact of her actions on others."

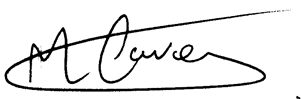
I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I concur with the panel that such a period is a proportionate response to the misconduct found and should allow Miss Belkhelfa sufficient time to demonstrate that she has developed the insight and skills to ensure that that misconduct is not repeated in the future.

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

This means that Miss Farah Belkhefha is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until **24 May 2026**, two years from the date this order comes into effect, at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Belkhefha remains prohibited from teaching indefinitely.

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

Miss Farah Belkhefha has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'Marc Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 17 May 2024

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