



Teaching
Regulation
Agency

Mr George Vandenberg: Professional conduct panel meeting outcome

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

September 2024

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

Teacher: Mr George Vandenberg

Teacher ref number: 16/74054

Teacher date of birth: 03 May 1995

TRA reference: 20517

Date of determination: 10 September 2024

Former employer: St Paul's Catholic College, Sunbury-on-Thames, Surrey ("the School")

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 2 October 2023 to 5 October 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT and then reconvened virtually on 5 January 2024 and 10 September 2024 to consider the case of Mr George Vandenberg.

The panel members were Mrs Christine McLintock, teacher panellist – in the chair, Ms Amanda Godfrey, teacher panellist, and Mr Dara Islam, lay panellist.

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

The presenting officer for the TRA was Ms Kiera Riddy of Browne Jacobson Solicitors.

Mr George Vandenberg was present and was represented by Mr Nicholas Kennan, Counsel of Cornwall Street Barristers.

The hearing took place in public (save for parts which were heard in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 17 July 2023.

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

1. Mr Vandenberg engaged in inappropriate behaviour towards one or more colleagues on or around 24 September 2021, including:
 - a. Colleague A, in that he:
 - i. Touched and / or rubbed Colleague A's crotch;
 - ii. Told Colleague A on one or more occasions "I want to fuck you" or used words to that effect;
 - iii. Touched Colleague A's chest;
 - iv. Touched Colleague A's leg;
 - v. Squeezed Colleague A's knee;
 - vi. Placed Colleague A's hand on his groin and / or penis;
 - b. By referring to one or more colleagues as "slags" and / or "cunt";
2. Mr Vandenberg engaged in inappropriate behaviour towards one or more colleagues in or around 2018 at a public house, including:
 - b. Colleague C, in that he touched and / or tried to touch Colleague C's leg;
3. Mr Vandenberg's conduct as may be found proven at;
 - a. 1a and / or 2 above included unwanted physical and / or sexual contact with one or more of his colleagues;
 - b. 1a and / or 2 above included sexual harassment of one or more of his colleagues;
4. 1a and / or 2 above included conduct that was of a sexual nature and / or was sexually motivated.

The allegations are denied by Mr Vandenberg. Mr Vandenberg confirmed to the panel that he does not admit the allegations as he had no recollection of the events due to his alcohol consumption at the relevant time.

Mr Vandenberg further denied he was guilty of unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered two applications from Mr Vandenberg's legal representative, the first was in relation to the admissibility of late evidence.

Admissibility of late evidence

Mr Vandenberg applied to admit a further bundle of 52 pages of documents which included a further witness statement from Mr Vandenberg, additional character references, Mr Vandenberg's lesson observations and details of a professional skills course attended. The panel noted that those documents were not served in accordance with the requirements of paragraph 5.36 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures"), and as such the panel was required to decide whether those documents should be admitted under paragraph 5.33 of the Procedures which was at their discretion.

The panel took into account the representations from the presenting officer regarding the delay in presenting the documents to the panel. Those representations were that Mr Vandenberg's instructing firm of solicitors had opted to send all documentation in one tranche rather than on a piecemeal basis when each document became ready causing significant delay. The panel took into account the concerns raised by the presenting officer as to the lateness of the submission of the additional documentation but also noted the presenting officer's comments regarding the relevance of the documentation to the case and the fact that the TRA did not object to the inclusion of the additional documentation.

The panel noted that under paragraph 5.33 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. After hearing and considering representations from both parties, the panel was satisfied that the documents may reasonably be considered to be relevant to the case as they provided useful information regarding the character of Mr Vandenberg and his teaching ability.

The panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel's

determination on the facts. The panel were satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witnesses to Mr Vandenberg's character could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence is admitted.

With regard to the overall question of fairness and given the presenting officer was not objecting to the inclusion of the late evidence on the basis it was relevant to the issues of Mr Vandenberg's character and his teaching ability, the panel's conclusion was that it was fair to admit the evidence. The panel noted that the documents should be paginated as follows:

Section 6: Additional documents from Mr Vandenberg – pages 146 to 198.

The provision of witness evidence via video link

The panel considered a further application from Mr Vandenberg's legal representative that two of his witnesses, Witness 1 – [REDACTED] and Witness 2 - [REDACTED] to provide their evidence remotely via video link due to their availability. [REDACTED] The panel considered that neither witness fell within the category of vulnerable witnesses which is defined in paragraphs 5.101 or 5.102 of the Procedures as being a person whose "quality of evidence is likely to be adversely affected at a hearing". However, the panel noted that pursuant to paragraph 5.33 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.

Therefore, the panel considered it had a discretion as to whether to allow Witness 1 and Witness 2 to give evidence by video-link given the distance the witness would have to travel to Coventry, the costs entailed and the witness' work commitments. The panel also noted that in allowing their evidence to be given by video link, it would ensure Mr Vandenberg was fully able to present his case. In exercising that discretion, the panel also took into account that there may be subtleties of tone or body language that might be lost via the medium of video link but considered that such matters could, in any event, be taken into account when assessing the weight it would attribute to the evidence. Finally, the panel also took into consideration that the presenting officer had not objected to the witnesses providing evidence via video link.

Application for part of the hearing to be heard in private

During the course of the hearing an application was made by the presenting officer for part of the hearing relating to the private life of a colleague present during the events of allegation 1 and who had provided written hearsay evidence to the panel to be heard in private. Having reviewed the context and content of the information which

related to a personal and sensitive experience of this colleague, the panel decided that the relevant parts of the hearing discussing this personal and sensitive experience relating to their private life should be heard in private. There was no contrary public interest in those matters being discussed in public. The panel further noted that the evidence to be heard in private would protect the interests of the hearsay witness. The evidence to be heard in private was very discrete and would not undermine the public's ability to otherwise understand the case. Mr Vandenberg's representative did not have any objection to this decision.

Consideration as to whether Colleague C could give evidence by virtual means from Gibraltar

Although not raised as a preliminary issue, the panel was informed immediately before Colleague C giving evidence that they planned to do so by virtual means from Gibraltar. Before allowing the witness to provide evidence, the panel took into account the starting position set out in the Upper Tribunal decision in the case of *Agbabiaka* [2021]UKUT 286 (IAC), which determined the procedure that is to be followed when a party to a case wishes to rely upon oral evidence given by video or telephone by a person who is abroad. For this purpose, the panel noted that abroad is taken to mean in the territory of a Nation State other than the United Kingdom. The panel noted that in accordance with this decision, specific permission should be sought from the Foreign and Commonwealth Development Office's Taking of Evidence Unit, which takes into account whether the particular Nation State has any objection to evidence being given orally from within its territory.

In reaching its decision, the panel took into account email correspondence from the Foreign, Commonwealth & Development Office to the TRA dated 3 October 2023 timed 11:13am which confirmed that as Gibraltar is an overseas territory of the United Kingdom, prior permission was not required.

The panel considered its discretion to admit evidence where it is fair to do so which may reasonably be relevant to the case. The panel noted that Colleague C was referred to in allegation 2 and their evidence was therefore relevant. As to the question of fairness, allowing Colleague C to give evidence virtually, would allow the evidence to be presented to the panel and be tested. The panel took into account that there may be subtleties of tone or body language that might be lost via the medium of video link but considered that such matters could, in any event, be taken into account when assessing the weight it would attribute to the evidence.

Therefore, the panel allowed Colleague C to provide evidence remotely from Gibraltar.

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 – page 5

Section 2: Notice of proceedings and response – pages 7 to 13

Section 3: Teaching Regulation Agency witness statements – pages 15 to 29

Section 4: Teaching Regulation Agency documents – pages 31 to 87

Section 5: Teacher documents – pages 90 to 145

In addition, the panel agreed to accept the following:

Section 6: Additional documents from Mr Vandenberg – pages 146 to 198

The panel members confirmed that they had read all of the documents within the bundle in advance of hearing witness evidence at the hearing.

Witnesses

The panel heard oral evidence from Colleagues A and C both called by the presenting officer.

The panel also heard oral evidence from Mr Vandenberg and his witnesses:

Witness 1 - [REDACTED]

Witness 2 - [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Vandenberg was employed as a science teacher and key stage 4 coordinator at the School from 1 September 2017 until his resignation and completion of his notice period on 31 December 2021.

Mr Vandenberg attended a social event with other staff members of the School on 24 September 2021. Following this event on 15 November 2021, Colleague A made an

allegation that Mr Vandenberg had sexually assaulted them. Part of the alleged sexual assault was witnessed by another member of staff who provided a witness statement as part of the School's internal investigation. Following advice from the LADO the school conducted a series of risk assessments. Initially Mr Vandenberg continued to teach at the school but was subsequently suspended on 26 November 2021 while an internal investigation was completed.

During the process of the investigation by the School, evidence was presented which alleged Mr Vandenberg was abusive to one or more members of staff on the night of 24 September 2021 calling colleagues "cunts" or "slags". Before the investigation by the School could be concluded, Mr Vandenberg submitted his resignation on 10 December 2021 and his notice period expired on 31 December 2021.

The School referred Mr Vandenberg to the TRA on 10 January 2022. During the TRA's investigation a further colleague, Colleague C, provided evidence that Mr Vandenberg had engaged in inappropriate behaviour towards in or around 2018 at a public house.

Findings of fact

The findings of fact are as follows:

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

- 1. You engaged in inappropriate behaviour towards one or more colleagues on or around 24 September 2021, including:**
 - a. Colleague A, in that you:**
 - i. Touched and / or rubbed Colleague A's crotch;**
 - ii. Told Colleague A on one or more occasions "I want to fuck you" or used words to that effect;**
 - iii. Touched Colleague A's chest;**

The panel heard evidence from Colleague A and Mr Vandenberg in relation to the allegations on 24 September 2021. Colleague A said that the events had taken place at a social event with a group of other staff members from the School. Colleague A said the staff had met to attend the opening of a bar in Putney, London which was offering free drinks between the hours of 6 – 8pm. In evidence, Colleague A confirmed that all staff members, save for one colleague who was driving were

drinking alcohol. Colleague A explained that whilst all other staff members in attendance were consuming alcohol, Mr Vandenberg had consumed so much alcohol that he was acting in an incoherent way, eventually passing out, resulting in him being asked to leave the bar in Putney.

In evidence Mr Vandenberg confirmed this description explaining he had drunk alcohol to excess on the evening in question. The panel further noted within the hearing bundle that WhatsApp messages sent the morning after the evening in Putney (on 25 September 2021) between Mr Vandenberg and other colleagues also in attendance confirmed he had drunk alcohol to excess.

Colleague A described her relationship with Mr Vandenberg before the 25 September 2021 to be professional and friendly. Colleague A would attend social events on a Friday evening at the pub where Mr Vandenberg attended alongside other newly qualified teachers and teachers who had qualified the previous year. Colleague A told the panel that whilst Mr Vandenberg was no longer a newly qualified teacher, he attended the social events at the pub on a Friday night as he was the mentor of and a good friend of another colleague who was in turn very good friends with Colleague A. Because of Mr Vandenberg's close friendship with Colleague A's good friend, they had in turn become friends socialising on a frequent basis.

Colleague A said Mr Vandenberg had arranged to stay at the house of their mutual friend and colleague on 24 September 2021 and that they also had an open invitation to stay over. Colleague A said that their mutual friend lived in Twickenham, London. Mr Vandenberg confirmed this account of Colleague A's evidence to the panel.

Colleague A said that the events in question took place when Mr Vandenberg was extremely drunk having been asked to leave the bar in Putney and when they were attempting to look after him outside on a street in Putney. In evidence Colleague A described how after leaving the bar, Mr Vandenberg was sitting on the street in Putney outside a restaurant. In evidence, Colleague A described how others in the group went to get food leaving her alone with Mr Vandenberg. During this time alone, Colleague A said in evidence that when they were asking Mr Vandenberg if he was okay he said to her "I want to fuck you" that he had "always wanted to fuck [her] and that he wanted to fuck [Colleague A] in the street" or used words to that effect. Colleague A gave evidence to the panel that they had tried to downplay the comments responding to Mr Vandenberg sarcastically, "what a wonderful thing to say".

When questioned by the panel about this allegation, Mr Vandenberg confirmed he could not remember whether he had said the statements alleged. Mr Vandenberg said his lack of memory was due to his excessive alcohol consumption on that

evening causing a memory black out between the hours of approximately 7pm when he was in the bar in Putney and waking up at approximately 4am the following day at a colleague's house.

Colleague A confirmed that whilst in the street in Putney after leaving the bar they had tried to feed Mr Vandenberg food in an attempt to sober him up to travel home. Colleague A said that when they had reached over to pass Mr Vandenberg some food he reached up to touch her crotch over her clothes and started rubbing. Colleague A said that this caused her to freeze in shock and say to Mr Vandenberg in a firm tone "you need to really think about what you are doing".

When questioned by the panel about this allegation, Mr Vandenberg confirmed he could not remember whether he had rubbed Colleague A's crotch. Again, Mr Vandenberg said his lack of memory was due to his excessive alcohol consumption on that evening causing a memory black out.

Colleague A said that after the rubbing of her crotch, other colleagues returned with food to eat for themselves and to assist in looking after Mr Vandenberg. Colleague A said that whilst her colleagues were chatting together and eating, Mr Vandenberg touched her chest. Colleague A suggested that Mr Vandenberg did this whilst her colleagues were distracted and not looking towards her.

The panel noted how Colleague A provided a clear description of how Mr Vandenberg had pushed his hand down under her bra cupping her breast. Colleague A explained that the material of her top was stretchy so Mr Vandenberg was able to keep his hand on top of her clothing whilst reaching inside her bra. In evidence, Colleague A said they reminded Mr Vandenberg that he should definitely not do that and that they took a step back from him to create distance between them.

When questioned by the panel about this allegation, Mr Vandenberg confirmed he could not remember whether he had touched Colleague A's breast. Again, Mr Vandenberg said his lack of memory was due to his excessive alcohol consumption on that evening causing a memory black out.

After considering all of the evidence, the panel found on the balance of probabilities that the description of events described by Colleague A to be credible and more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that on the evening of 24 September 2021 Mr Vandenberg: i) touched and / or rubbed Colleague A's crotch; ii) told Colleague A on one or more occasions "I want to fuck you" or used words to that effect; and iii) touched Colleague A's chest.

In reaching this decision the panel considered how Colleague A's account of events that had taken place was consistent both throughout their statement provided as part of the School's initial investigation into the allegations in November 2021, in her statement provided to the TRA in March 2023 and then further, in her evidence provided to the panel at the hearing. The panel concluded that Colleague A provided a consistent account of the evidence, providing clear details of what had happened and the chronology of events. Colleague A's account was plausible that they had been trying to help Mr Vandenberg sober up by feeding him food, that they had not wanted to leave him in Putney despite his actions towards her because of how intoxicated he was and that her actions in trying to help Mr Vandenberg was because of their prior friendship before the events in question.

The panel then considered whether the actions of Mr Vandenberg were inappropriate. The panel considered that all three allegations involved words or actions which were uninvited by Colleague A and which resulted in causing Colleague A to feel uncomfortable on the night and then later distressed. Further the panel considered the words or actions by Mr Vandenberg involved the touching of intimate body parts or the referencing of intimate sexual acts. As this conduct was uninvited by Colleague A it was therefore inappropriate.

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

1. You engaged in inappropriate behaviour towards one or more colleagues on or around 24 September 2021, including:

a. Colleague A, in that you:

iv. Touched Colleague A's leg;

v. Squeezed Colleague A's knee;

vi. Placed Colleague A's hand on your groin and / or penis.

Colleague A provided evidence to the panel that Mr Vandenberg and their friend (also a colleague at the School) had arranged to stay together at the friend's house after the evening at the bar in Putney on 24 September 2021. Colleague A explained that they had an open invitation to also stay should they wish to. They confirmed the friend's house was approximately a 20 to 30 minute drive from Putney. Colleague A explained the three of them called an Uber taxi to make the journey.

Due to covid restrictions, Colleague A said Mr Vandenberg was asked by the Uber taxi driver to sit in the back of the taxi next to them rather than in the front. In

evidence to the panel Colleague A described how Mr Vandenberg had touched their leg and squeezed their knee so hard that it caused them to shout out “Ouch”.

Colleague A described to the panel how they placed their arms on their legs in an attempt to prevent Mr Vandenberg from touching them but that Mr Vandenberg had reached for their arm placing their hand on his penis over his trousers. Colleague A said they pulled their hand away immediately.

Colleague A explained in evidence how their friend who was also in the taxi saw Mr Vandenberg touching their leg, squeezing their knee and placing their hand on his groin area or penis. They described how their friend became visibly anxious at Mr Vandenberg’s actions.

The panel noted that the friend also present in the Uber taxi did not give evidence to the panel but did provide a witness statement recalling the events in the taxi as part of the School’s initial investigation into the allegations in November 2021. The panel recognised that this evidence was hearsay as the panel had not had an opportunity to cross examine the friend present in the Uber taxi. The panel therefore considered whether the evidence was admissible. Whilst no explanation had been provided as to why the friend did not attend the hearing to give oral evidence, it was not the sole and decisive evidence in support of the allegations, but corroborated the evidence provided by Colleague A. The panel noted that the witness statement largely supported the evidence and account of events provided by Colleague A save for a small discrepancy in that the friend suggested Mr Vandenberg had touched Colleague A’s leg and thigh whereas Colleague A’s evidence was that Mr Vandenberg had touched their knee. The panel considered that this discrepancy was likely due to the way each individual had described Mr Vandenberg’s actions.

Further, this account was provided in November 2021, nearer to the time of the events, it being only two months after the evening on 24 September 2021. The friend’s account was also consistent with Mr Vandenberg’s explanation that whilst he could not remember his actions the friend also present in the Uber taxi had told him the morning after that he had touched Colleague A’s leg and placed Colleague A’s hand on his groin and / or penis. The panel therefore considered that the friend’s evidence was admissible and that it was possible to attach significant weight to their evidence as it was consistent with the account of Colleague A and Mr Vandenberg’s recollection of what the friend had told him.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Colleague A to be credible and more likely than not to have occurred. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that Mr Vandenberg whilst

sitting in the Uber taxi: iv) touched Colleague A's leg; v) squeezed Colleague A's knee; and vi) placed Colleague A's hand on his groin and / or penis. In reaching this decision the panel considered how Colleague A's accounts of events were consistent through her statement provided as part of the School's initial investigation into the allegations in November 2021, in their statement provided to the TRA in March 2023 and then further, in their evidence provided to the panel at the hearing. The panel concluded that Colleague A provided a consistent account of the evidence, providing clear details of what had happened and the chronology of events. Further the panel noted that the friend also present in the Uber taxi had provided a similar account of Mr Vandenberg's actions.

The panel then considered whether the actions of Mr Vandenberg were inappropriate. The panel considered that all three allegations involved the uninvited touching of Colleague A's intimate body parts, causing Colleague A distress and making them feel uncomfortable. As this conduct was uninvited, it was inappropriate.

Therefore, the panel found all allegations at 1 a iv), v), vi) proven.

1. You engaged in inappropriate behaviour towards one or more colleagues on or around 24 September 2021, including:

b. By referring to one or more colleagues as "slags" and / or "cunt";

In evidence provided to the panel, Colleague A said that whilst very intoxicated on the night of 24 September 2021 Mr Vandenberg had called one or more colleagues "slags" or "cunts". Colleague A said that whilst Mr Vandenberg had used this language, none of their colleagues present in Putney on the night in question had appeared to have been offended by the language; that Mr Vandenberg had used this language whilst smiling and that his language had largely been received with laughter by their colleagues. Colleague A said that in her view, Mr Vandenberg had not said these words in an aggressive tone.

Following the events on the night of 24 September 2021, Mr Vandenberg said in evidence to the panel that he had woken up at 4am and had sent a text to his friend whom he was staying with via WhatsApp to ask what had taken place that night. Mr Vandenberg said that his friend had told him he had used offensive language towards several of his colleagues.

The panel reviewed the WhatsApp messages contained within the hearing bundle which confirmed Colleague A's description that Mr Vandenberg had used offensive language with one colleague in attendance at Putney calling him a "dick". Further the WhatsApp messages confirmed and corroborated Colleague A's account that other colleagues appeared not to be offended by Mr Vandenberg's comments. The panel noted that the WhatsApp messages did not corroborate the exact words used as cited within the allegation as "slags" or "cunt".

For the reasons referred to above, the panel found Colleague A's evidence to be credible. Further, the panel noted that Colleague A's account had been balanced, Colleague A suggesting that Mr Vandenberg had not in their view said the offensive words in an aggressive tone and that the offensive words had been received by their colleagues with laughter.

In considering the evidence of Colleague A, the panel also noted how the WhatsApp messages between Mr Vandenberg and his colleagues confirmed his use of offensive language. Whilst the WhatsApp exchanges did not corroborate the exact words used as cited within the allegation, the panel concluded that the account provided by Colleague A of the words used, "slags" and / or "cunt" was more likely than not to have occurred.

The panel then considered whether the behaviour described was inappropriate. In respect of this allegation, the panel noted how this language had not been received by colleagues offensively and how Mr Vandenberg had not on the account of Colleague A said these words in an aggressive tone. Nevertheless, the panel concluded that the words "slag" and / or "cunt" were both highly offensive phrases which should not on any occasion be directed at colleagues whether inside or outside a professional setting.

Therefore, the panel found this allegation proven.

2. You engaged in inappropriate behaviour towards one or more colleagues in or around 2018 at a public house, including;

b. Colleague C, in that you touched and / or tried to touch Colleague C's leg;

In respect of this allegation, the panel heard evidence from Colleague C and Mr Vandenberg.

Colleague C said that the School had organised an event to celebrate the end of term. After this event, Colleague C explained that a group of staff members including Mr Vandenberg had gone onto a public house in Twickenham. Colleague C explained that Mr Vandenberg appeared to be visibly drunk at this event and had made inappropriate sexual comments towards her. Colleague C said that his comments made her feel uncomfortable and despite telling him that they were not interested in his advances, Mr Vandenberg continued with his comments. Colleague C said that during this interaction, Mr Vandenberg had been overly "handsy" touching their leg on the top part of her thigh.

When giving evidence, the panel noted that some parts of Colleague C's evidence were unclear. In particular the details surrounding the year of the event and the specific details of her verbal interactions with Mr Vandenberg whilst in the public house were vague. However, the panel concluded that given the passage of time

since the incident, not remembering specific words spoken or the year the event took place was a reasonable response.

When giving his evidence, Mr Vandenberg confirmed that whilst he had a recollection of the social event described by Colleague C, he did not remember any interaction with Colleague C in which he had touched and / or tried to touch Colleague C's leg. Mr Vandenberg confirmed in his evidence to the panel that the first time he had become aware of the allegation raised by Colleague C was through the documentation he had received from the TRA. Mr Vandenberg confirmed that he had not been made aware of this allegation previously by the School nor had Colleague C ever raised this with him personally.

In considering the allegation, the panel also reviewed a witness statement from another teacher at the School contained within the panel bundle which described the events in the public house. The panel recognised that the evidence provided by another teacher was hearsay evidence and that the panel had not had the ability to cross examine the evidence presented. The panel therefore considered whether the evidence was admissible. Whilst no explanation had been provided as to why the friend did not attend the hearing to give oral evidence, it was not the sole and decisive evidence in support of the allegations, but corroborated to some extent the evidence provided by Colleague C, in that the witness remembered Colleague C saying after the social event that Mr Vandenberg put his hand on Colleague C's thigh.

The panel further noted Mr Vandenberg's evidence that he had a good relationship with the colleague providing the hearsay evidence. Therefore, the panel considered there was no obvious reason why the colleague would fabricate their own account of what they were told by Colleague C given their apparent good relationship with Mr Vandenberg. Mr Vandenberg had not objected to the inclusion of the statement in the panel bundle, knowing that this colleague was not to be called to give evidence. The panel decided that the colleague's account was admissible, and that it was possible to attach some weight to it.

After considering all of the evidence, the panel found on the balance of probabilities the description of events described by Colleague C to be credible and more likely than not to have occurred. Whilst the panel recognised the description of the events by Colleague C was unclear in parts, the account of Mr Vandenberg touching or attempting to touch their leg was consistent both in their statement provided as part of the School's initial investigation in November 2021, in their statement provided to the TRA and then further, in their evidence provided to the panel at the hearing. Further the panel noted that Colleague C's account about the touching or attempted touching of their leg was supported by the hearsay statement of the teacher also present at the pub, whilst the colleague did not witness the incident, this statement confirmed Colleague C had told them about the incident contemporaneously.

The panel then considered whether the behaviour in touching and / or trying to touch Colleague C's leg in or around 2018 at a public house was inappropriate behaviour towards Colleague C. The panel accepted Colleague C's account that the behaviour of Mr Vandenberg touching their thigh and making sexual comments made her feel uncomfortable, that they had kept away from Mr Vandenberg in future social interactions and that his behaviour had made her more wary of male behaviours towards her when socialising in an environment where alcohol is consumed. As the incident made Colleague C feel uncomfortable and change their future behaviours and actions in social settings involving alcohol, the panel concluded that the behaviour in touching and / or trying to touch Colleague C's leg in or around 2018 at a public house was inappropriate behaviour towards Colleague C.

Therefore, the panel concluded this allegation was proven.

3. Your conduct as may be found proven at;

a. 1a and / or 2 above included unwanted physical and / or sexual contact with one or more of your colleagues;

Evidence from both Colleague A and C confirmed that the physical contact made by Mr Vandenberg was unwanted. The panel noted that there was no evidence provided (both within evidence heard by the panel and in hearsay evidence reviewed by the panel) to indicate that Colleague A or C had encouraged or wanted the physical contact made by Mr Vandenberg nor had Mr Vandenberg suggested in his evidence that Colleague A or C had wanted or intimated to him that they wanted the contact made. For this reason, the panel concluded that on the balance of probabilities the physical contact within allegations 1a and 2 was unwanted physical contact.

Turning to the consideration of whether the contact was sexual, the panel found as follows:

The panel concluded that on the balance of probabilities Mr Vandenberg's physical contact with Colleagues A and C was sexual because the locations of his physical contact were personal and intimate. For Colleague A this was their breast, leg and both his and their crotch areas. For Colleague C this was their upper thigh area.

Further, the panel noted the evidence provided by Colleague C that the physical contact was unwanted sexual contact and the type of touching they would expect of a partner and not a colleague.

Therefore, the panel concluded this allegation was proven.

3. Your conduct as may be found proven at;

b. 1a and / or 2 above included sexual harassment of one or more of your colleagues;

4. 1a and / or 2 above included conduct that was of a sexual nature and / or was sexually motivated.

In respect of allegation 3 b. the panel took account of the legal advice which confirmed the definition of sexual harassment within section 26 of the Equality Act 2010. From the legal advice the panel understood that it needed to decide whether the conduct had taken place and whether it was of a sexual nature. Then if both of these factors are found, whether the conduct had the purpose or effect of either: violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Given the panel needed to decide whether the conduct was of a sexual nature to reach a conclusion in respect of allegation 3 b, the panel considered allegation 4 first as follows:

In respect of allegation 4 the panel's attention was drawn to the legal advice in relation to the definition of sexual nature and sexual motivation, in particular section 78 Sexual Offences Act 2003 and to the cases of *Basson v General Medical Council* [2018] and *The General Medical Council v Haris* [2020] EWHC 2518. The panel first considered whether Mr Vandenberg's conduct was of a sexual nature:

The panel noted that allegations 1 a i), iii) and vi) could, on the balance of probabilities, only be sexual in nature as all involved the unwanted touching of intimate sexual organs. In respect of allegation 1 a ii) the panel noted this allegation was sexual in nature as the phrase confirmed the intention or desire to engage in sexual activity.

In respect of allegations 1 a iv) and v) involving the touching of Colleague A's leg and the squeezing of their knee, the panel concluded that given Mr Vandenberg's conduct prior to these allegations and his conduct in the Uber taxi at the time of these specific allegations, that on the balance of probabilities this contact was also sexual in nature as it occurred at around the same time as other contact which was sexual in nature.

In consideration of allegation 2, the panel concluded that on the balance of probabilities the touching of Colleague C's upper thigh leg was sexual in nature. In reaching this decision the panel took into account Colleague C's evidence which was that Mr Vandenberg had touched a part of their body which they would only expect to be touched by a partner and not a colleague. Further, that the touching of their leg was accompanied by sexual comments.

Turning to the consideration of sexual motivation and in reviewing the factual allegations as set out above, the panel concluded there was no evidence to suggest

Mr Vandenberg's actions were accidental given the repetitive nature of the conduct. The panel noted the definition of sexual in s78(1)(b) of the Sexual Offences Act 2003 and considered on the evidence presented to the panel of the circumstances and in the absence of any other explanation, on the balance of probabilities, it could be inferred that Mr Vandenberg's purpose was sexual in acting as found proven in allegations 1 and 2.

Therefore, the panel concluded allegation 4 was proven.

Then turning to allegation 3 b whether allegations 1a and / or 2 above included sexual harassment of one or more of Mr Vandenberg's colleagues, the panel noted the legal advice and definition of sexual harassment. The panel noted that as above it had concluded on the balance of probabilities that Mr Vandenberg's conduct was more likely than not to have occurred and further, that the conduct was sexual in nature.

The panel then considered whether the conduct had the purpose of effect of either violating Colleague A or C's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleagues A or C.

The panel noted how both Colleagues A and C had given evidence to confirm how Mr Vandenberg's actions had caused her to change their future behaviours around males when alcohol was consumed. Further, the panel noted that Colleague A had suggested his conduct had caused her long term effected of feeling sad and anxious. For these reasons, the panel concluded that on the balance of probabilities Mr Vandenberg's actions in allegations 1a and / or 2 above included sexual harassment of both Colleagues A and C.

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

Having found all 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".

The panel was satisfied that the conduct of Mr Vandenberg, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Vandenberg 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:

- showing tolerance of and respect for the rights of others.

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

The panel noted that all of the allegations took place outside the education setting and away from the catchment area of the School, allegation 1 in Putney and allegation 2 in Twickenham. The panel took account of paragraph 21 of the Advice and the legal advice which confirmed that conduct outside of the education setting will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

In considering whether Mr Vandenberg's conduct outside of the education setting affected the way he fulfils his teaching role, the panel took into account the uniquely influential role that teachers can hold in pupils' lives and in particular how pupils must be able to view teachers as role models in the way they behave. The panel did not find that pupils had been directly exposed to or influenced by Mr Vandenberg's behaviour in a harmful way.

Further, however, the panel also considered evidence provided by Mr Vandenberg that in his role as a science teacher and form tutor he taught pupils about sexual education and the understanding of consent. The panel noted its findings in respect of Mr Vandenberg's conduct undermined his credibility in teaching these topics as he was unable to demonstrate the understanding of consent in his private life.

The panel also considered that Mr Vandenberg's conduct towards his colleagues as found in allegations 1 and 2 had undermined his professional relationships with them. Mr Vandenberg recognised this himself as this was cited as a reason for his resignation. The panel concluded that his behaviour whilst taking place outside of an educational setting negatively impacted his future working relationships and on the way Mr Vandenberg fulfils his teaching role.

The panel noted that Mr Vandenberg was a mentor to trainee teachers and teachers completing their newly qualified year of teaching. Mr Vandenberg therefore had a uniquely influential role in shaping the careers of young teachers and as such, should have had an awareness of the need to maintain high standards of ethics and behaviour within and outside school.

The panel also considered whether Mr Vandenberg's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The Advice indicates that where behaviours associated with such an offence type exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that the offence type of sexual activity and harassment and / or stalking was relevant limited to the panel's findings noted above.

Accordingly, the panel was satisfied that Mr Vandenberg was guilty of unacceptable professional conduct. The panel finds that the conduct of Mr Vandenberg fell significantly short of the standards expected of the profession for the reasons set out above.

The panel went on to consider whether Mr Vandenberg 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 considered whether Mr Vandenberg's conduct displayed behaviours associated with any of the offence types in the list that begins on page 12 of the Advice. As referred to above, the panel found that the offence type of sexual activity and harassment and/or stalking 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.

In reaching its decision, the panel noted that within paragraph 26 b) of the Advice misconduct outside of the education setting will be considered relevant only if the conduct displayed is of a serious nature and would likely have a negative impact on the public's perception of the individual as a teacher, therefore bringing the teaching profession into disrepute.

The panel concluded that the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher. The panel considered that even though the conduct was outside of the educational setting, Mr Vandenberg's conduct could potentially damage the public's perception of a teacher. The panel therefore found that Mr Vandenberg's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars of all allegations proved, the panel further found that Mr Vandenberg's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct 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 Vandenberg and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely; the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Vandenberg, which involved allegations of unwanted physical contact amounting to sexual harassment towards colleagues, there was a strong public interest consideration in respect of maintaining public confidence in the profession specifically, that public confidence could be seriously weakened if conduct such as that found against Mr Vandenberg was not treated with the utmost seriousness when regulating the conduct of the profession. Further, the panel was of the view there was a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Vandenberg was outside that which could reasonably be tolerated.

Whilst there was evidence that Mr Vandenberg was an outstanding teacher and had made a valuable contribution to education, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Vandenberg in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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; and
- 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.

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.

There was evidence that Mr Vandenberg's actions were deliberate but the panel noted, whilst not an excuse for his behaviours, his conduct did take place under the influence of extreme alcohol consumption. There was no evidence to suggest that Mr Vandenberg was acting under extreme duress.

Notwithstanding the above, the panel noted that Mr Vandenberg did have an excellent record of teaching having demonstrated exceptionally high standards in his professional conduct and having contributed significantly to the education sector during his time in teaching. The panel accepted Mr Vandenberg's evidence that the allegations were out of character. This assessment of the allegations being out of character was supported by numerous witnesses.

The panel heard character witness evidence from two witnesses, Mr Vandenberg's [REDACTED] and his [REDACTED]. Both witnesses described Mr Vandenberg as an outstanding classroom teacher and as someone who "inspired" and "engaged" students. Both described him as someone who was valued as a member of staff and made excellent contributions to the school both in terms of improving GCSE and A Level uptake and results in his teaching subject and in supporting various extra-curricular activities (which included giving up his personal time during holidays and weekends). The panel noted how both witnesses were very experienced and senior teachers which gave credibility to their assessments of Mr Vandenberg's teaching abilities.

In respect of Mr Vandenberg's character, the panel noted how he had immediately accepted his conduct described within the allegations despite not recalling the events himself due to his excessive alcohol consumption. Mr Vandenberg immediately understood his conduct was unacceptable describing it as "disgusting"; Mr Vandenberg did not try to explain or to justify his actions in an attempt to defend himself.

Further, the panel noted how there was evidence that Mr Vandenberg had shown instant remorse, he had offered both WhatsApp message and personal apologies to Colleague A and others present on or around 24 September 2021. In respect of the

allegation involving Colleague C, Mr Vandenberg did not have knowledge of the incident until notification by the TRA so was unable to offer a personal apology at the time but the panel noted how he apologised for his actions in evidence to Colleague C at the hearing.

The panel noted how there was no evidence that Mr Vandenberg posed a safeguarding risk to pupils; indeed, Mr Vandenberg's previous [REDACTED] confirmed in their witness evidence how Mr Vandenberg had [REDACTED] and would allow Mr Vandenberg [REDACTED] in the future albeit the panel noted that this witness was not fully aware of all of the allegations upheld.

Finally, in considering the risk posed by Mr Vandenberg to members of the public, whilst Mr Vandenberg had provided assurances that his conduct would not be repeated, there was no evidence to support this assertion.

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 Vandenberg 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 Vandenberg. The fact that the case involved conduct that was sexual in nature resulting in sexual harassment towards a colleague on two separate occasions was a significant factor in forming that opinion and in particular, during the allegation in 2021, the panel noted there were repeat incidents of conduct of a sexual nature. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

Whilst the panel found that Mr Vandenberg was responsible for allegations of unwanted physical contact amounting to sexual harassment towards colleagues; the panel noted that he had shown remorse and insight into his actions at the time and throughout the hearing. Given the level of insight and remorse shown by Mr Vandenberg, the panel did not consider there was a risk of him repeating the behaviour; the panel noted how Mr Vandenberg had attended professional boundaries training immediately before the hearing and said that he would limit his alcohol if socialising in a work setting.

In light of these conclusions, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years. The panel consider this period of two years will allow Mr Vandenberg time to further reflect on his conduct and interactions with colleagues in social settings.

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 Mr George Vandenberg should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Vandenberg 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:
 - showing tolerance of and respect for the rights of others.

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

The findings of misconduct are particularly serious as they include a teacher acting in a way towards colleagues that constituted sexual harassment.

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 Mr Vandenberg, 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. I have noted that the behaviour demonstrated by Mr Vandenberg, while totally unacceptable and inappropriate, was directed towards and witnessed by adults and away from the school setting. The panel itself records that it: "...did not find that pupils had been directly exposed to or influenced by Mr Vandenberg's behaviour in a harmful way." Elsewhere, the panel notes that it was not presented with evidence that the teacher posed a safeguarding risk to pupils.

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

"In respect of Mr Vandenberg's character, the panel noted how he had immediately accepted his conduct described within the allegations despite not recalling the events himself due to his excessive alcohol consumption. Mr Vandenberg immediately understood his conduct was unacceptable describing it as "disgusting"; Mr Vandenberg did not try to explain or to justify his actions in an attempt to defend himself.

Further, the panel noted how there was evidence that Mr Vandenberg had shown instant remorse, he had offered both WhatsApp message and personal apologies to Colleague A and others present on or around 24 September 2021. In respect of the allegation involving Colleague C, Mr Vandenberg did not have knowledge of the incident until notification by the TRA so was unable to offer a personal apology at the time but the panel noted how he apologised for his actions in evidence to Colleague C at the hearing."

Given this, I agree with the panel that the risk of Mr Vandenberg repeating this behaviour in the future appears to be low. 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 comments that:

“In the light of the panel’s findings against Mr Vandenberg, which involved allegations of unwanted physical contact amounting to sexual harassment towards colleagues, there was a strong public interest consideration in respect of maintaining public confidence in the profession specifically, that public confidence could be seriously weakened if conduct such as that found against Mr Vandenberg was not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of repeated and unwanted sexually motivated behaviour towards colleagues in this case and the negative impact that such a finding may have on the reputation of the profession. I am also mindful of the panel’s finding that Mr Vandenberg used foul and derogatory language when talking about his colleagues and how such behaviour shines a negative light on the public’s perception 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 that may 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 Vandenberg himself. The panel relays the following evidence regarding Mr Vandenberg’s character:

“Notwithstanding the above, the panel noted that Mr Vandenberg did have an excellent record of teaching having demonstrated exceptionally high standards in his professional conduct and having contributed significantly to the education sector during his time in teaching. The panel accepted Mr Vandenberg’s evidence that the allegations were out of character. This assessment of the allegations being out of character was supported by numerous witnesses.

The panel heard character witness evidence from two witnesses, Mr Vandenberg’s [REDACTED] and his [REDACTED]. Both witnesses described Mr Vandenberg as an outstanding classroom teacher and as someone who “inspired” and “engaged” students. Both described him as someone who was valued as a member of staff and made excellent contributions to the school both in terms of improving GCSE and A Level uptake and results in his teaching subject and in supporting various extra-curricular activities (which included giving up his personal time during holidays and weekends). The panel noted how both witnesses were very

experienced and senior teachers which gave credibility to their assessments of Mr Vandenberg's teaching abilities."

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

In this case, I have placed considerable weight on the serious nature of the misconduct found by the panel, including repeated and unwanted sexual advances towards colleagues, and the negative impact that such behaviour may have on the standing of the profession.

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

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

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

I have considered the panel's comments:

"Whilst the panel found that Mr Vandenberg was responsible for allegations of unwanted physical contact amounting to sexual harassment towards colleagues; the panel noted that he had shown remorse and insight into his actions at the time and throughout the hearing. Given the level of insight and remorse shown by Mr Vandenberg, the panel did not consider there was a risk of him repeating the behaviour; the panel noted how Mr Vandenberg had attended professional boundaries training immediately before the hearing and said that he would limit his alcohol if socialising in a work setting.

In light of these conclusions, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years. The panel consider this period of two years will allow Mr Vandenberg time to further reflect on his conduct and interactions with colleagues in social settings."

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. The misconduct found against Mr Vandenberg by the panel is very serious and, in my judgment, reflects very adversely on the profession.

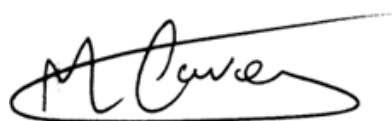
However, I have noted the comments of the panel regarding the significant degree of insight and remorse demonstrated by Mr Vandenberg and agree with it that a two-year review period is a proportionate and appropriate period to enable Mr Vandenberg to develop his insight fully and so ensure that this behaviour 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 Mr George Vandenberg is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 20 September 2026, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Vandenberg remains prohibited from teaching indefinitely.

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

Mr George Vandenberg 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 'M. Cavey', written over a horizontal line.

Decision maker: Marc Cavey

Date: 16 September 2024

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