



Teaching  
Regulation  
Agency

# **Mr Simon Bell: Professional conduct panel outcome**

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

**February 2024**

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

**Teacher:** Mr Simon Bell

**Teacher ref number:** 9950627

**Teacher date of birth:** 19 November 1976

**TRA reference:** 20043

**Date of determination:** 12 February 2025

**Former employer:** The Ebbsfleet Academy, Swanscombe

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 to 12 February 2025 virtually, to consider the case of Mr Simon Bell.

The panel members were Mr Carl Lygo (lay panellist – in the chair), Mrs Anne Davis (teacher panellist) and Mrs Michele Barlow-Ward (teacher panellist).

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

The presenting officer for the TRA was Miss Kiera Riddy of Browne Jacobson LLP solicitors.

Mr Simon Bell 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 hearing dated 21 October 2024.

It was alleged that Mr Simon Bell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

1. Whilst employed by Ebbsfleet Academy (School A) in or around May 2021 he:
  - a. Engaged in one or more conversations with Pupil A around her mental health in which he:
    - i. shared personal medical information about himself and/or his own diagnosis;
    - ii. related his personal medical experiences to what Pupil A had disclosed to him; and
    - iii. attempted to diagnose their current state.
  - b. Failed to follow correct protocols in accurately recording and reporting the conversation had with Pupil A at Allegation 1 above and/or on one or more previous occasions.
2. He was convicted in Nevada, USA in or around August 2014 for the offence of Felony Possession (with Intent to Distribute) of a Controlled Substance (Marijuana);
3. In or around 2015 he received a UK police caution for the offence of Fraud by Misrepresentation for having failed to disclose his conviction at Allegation 2 to School B when applying for a teaching role there in or around 2014;
4. His conduct giving rise to the caution at Allegation 3 was dishonest and/or lack integrity.

In the absence of the teacher, the allegations are not admitted. Nor has he admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

## Preliminary applications

### Admissibility of Late Documents

The presenting officer has applied to admit a bundle of correspondence documents between the TRA and Mr Bell regarding his attendance to these proceedings. Those documents were not served in accordance with the requirements of paragraph 5.35 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020,

(the “Procedures”), and as such the panel is required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer to the admission of the documents. This application was heard prior to hearing any application on proceeding in the absence of the teacher.

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.

The panel is satisfied that the documents are relevant to the case in so far as they set out the correspondence between the TRA’s representatives and the teacher.

The panel heard that the author of the witness statement within the bundle was able to provide evidence, if required. Mr Bell was the other party to the correspondence.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the presenting officer without the opportunity for the witness to be cross-examined by the teacher.

With regard to the overall question of fairness, the panel’s attention was drawn to the fact that the correspondence bundle contained documents to which the teacher was party. Given the absence of the teacher at this stage, the panel considered whether he had received the documents. The panel noted that the majority of the documents were correspondence in which Mr Bell was one of the parties.

By reason of the above, the panel has decided to admit each of the documents and these should be paginated as set out in the correspondence bundle. Any express reference to documents in the correspondence bundle shall be referred to as the “Correspondence Bundle”.

### **Proceeding in Absence**

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

The panel is satisfied that TRA has complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel is also satisfied that the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Procedures.

The panel has 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 has taken 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 has 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 has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*.

- i) On the last occasion that contact was established with Mr Bell on 4 February 2025 regarding amendments to the allegations, Mr Bell stated that the TRA can make whatever amendments they feel are appropriate and he is not engaging as he does not believe it to be fair, impartial, or valid. Mr Bell was called on 29 January 2025, during which he said, “...*I never want to hear from you again...leave me the hell alone.*” The panel has seen a delivery notification from the Royal Mail confirming that the bundle has been delivered to Mr Bell. The panel has also seen email evidence from the TRA to Mr Bell notifying him of the hearing date. The panel therefore believes that Mr Bell has decided not to engage with the TRA hearing. The panel considers that the teacher has waived his right to be present at the hearing, knowing when and where the hearing is taking place.
- ii) Based on the correspondence Mr Bell sent to the TRA representatives, it was considered unlikely that an adjournment might result in the teacher attending voluntarily.
- iii) At the stage of the panel’s considerations, it was unclear how long any such adjournment would be required to obtain Mr Bell’s engagement with the hearing.
- iv) The panel noted that Mr Bell was not represented and the panel had not received any correspondence or application from Mr Bell to adjourn the hearing to obtain legal representation.
- v) The panel will be disadvantaged by not having Mr Bell give his account of events, having regard to the nature of the allegations against him. The panel does have the benefit of representations or comments made by Mr Bell in his correspondence with the TRA to ascertain the lines of defence or explanation. 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 the teacher’s account.
- vi) The panel believes that there is limited risk of reaching an improper conclusion about the absence of the teacher. The panel has had the benefit of the Correspondence Bundle, which provides additional correspondence with Mr Bell showing his expression of not wanting to be part of these proceedings.

- vii) The panel has 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.
- viii) The panel recognises 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 Ebbsfleet Academy (“School A”). School A will have an interest in this hearing taking place in order to move forward.
- ix) The panel also notes that there are three witnesses present at the hearing who are prepared to give evidence, and that it would be inconvenient for them to return again. Delaying the case for an undetermined period of time may further impact upon the memories of those witnesses.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considers that in light of the teacher’s waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

### **Application to Amend the Allegations**

An application has been made by the presenting officer to amend the Notice of Hearing by amending allegation 1’s date from “May 2021” to “March 2021”. The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, if present. Mr Bell was not present for these proceedings and the panel has decided to continue in his absence.

The panel considered that the amendment proposed being a correction of a typographical error does not change the nature, scope or seriousness of the allegations. Despite the fact that the teacher was not present, the panel believes that there is no prospect of the teacher’s case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice would be caused to the teacher.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of Hearing and Response – pages 5 to 15

Section 2: Anonymisation List – page 17

Section 3: Teaching Regulation Agency witness statements – pages 19 to 67

Section 4: Teaching Regulation Agency documents – pages 69 to 167

Section 5: Teacher documents – page 170

In addition, the panel agreed to accept the following:

the Correspondence Bundle and retains its internal numbering from pages 1-48.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the Correspondence Bundle that the panel decided to admit.

## **Witnesses**

The panel heard oral evidence from

The TRA's witnesses:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [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.

In 2014, Mr Bell was in the USA with [REDACTED]. He was arrested and convicted of 'possession of controlled substance for the purpose of sale, a violation of NRS 453.337, a felony' in the state of Nevada. When back in the UK in 2014, Mr Bell applied for a role at School B. He didn't declare that he had a conviction on the application form. In 2015, Mr Bell accepted a police caution for fraud by misrepresentation for failing to disclose his conviction to School B.

In September 2018, Mr Bell was employed by School A. On 29 March 2021, an investigation was held by School A regarding:

1. Mr Bell's disclosures with Pupil A, during which he shared personal medical information with Pupil A.



2. Mr Bell relating his personal medical experiences and making connections to Pupil A whilst attempting to diagnose her current situation.
3. Mr Bell failing to follow basic protocols in recording and reporting the disclosure of March 2021.

A disciplinary meeting was held in May 2021, and Mr Bell was dismissed from The Ebbsfleet Academy on 31 August 2021.

In or around 2022 The Ebbsfleet Academy was re-brokered to another multi-academy trust and its name was changed to Ebbsfleet Academy (“School A”).

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

1. **Whilst employed by Ebbsfleet Academy (School A) in or around March 2021 you:**
  - a. **Engaged in one or more conversations with Pupil A around her mental health in which you:**
    - i. **shared personal medical information about yourself and/or your own diagnosis;**

The panel has seen evidence that in an investigation meeting held on 29 March 2021, Mr Bell told Individual D, [REDACTED], *“he realises now that it may not have been good to share [REDACTED] as he feels that [Pupil A] may think that he has more knowledge of [REDACTED] than he has”*.

Again in this meeting, Individual D asked Mr Bell why he felt he should share his diagnosis, to which Mr Bell confirmed *“that he thought by sharing would offer comfort to [Pupil A]. It was not meant to be inappropriate. It was meant in a way to show the student that if I can do it you can do it.”*

In another meeting between Mr Bell, Witness C, and Individual E, the notes state that Witness C asked Mr Bell how many times he had shared personal information with Pupil A. Mr Bell responded that it was around four times.

The panel has also been able to review the comments noted in the bundle of conversations between School A and Pupil A’s parents. In notes, Pupil A’s mother is said to have reported that Pupil A *“did tell her that [Mr Bell] told her he has [REDACTED] and she relates to him as they share similar anxieties.”* In notes of School A’s conversation

with Pupil A's father, stated that Mr Bell is [REDACTED]. The panel's understanding from the notes that Pupil A's father known of Mr Bell's [REDACTED] diagnosis from Pupil A.

The panel has reviewed the evidence within the bundle and notes that the vast majority of relevant evidence was not heard from the witnesses during oral testimony. Due to the contemporaneous nature of the meeting notes, the panel is satisfied that the content is more likely than not an accurate reflection of what was discussed at the time.

The panel is satisfied that these accounts occurred in or around March 2021 and Mr Bell was employed by School A, irrespective of the change in name of the school as set out above.

Based on the examples in the bundle and set out above, the panel, on the balance of probabilities, has found this allegation proven.

**ii. related your personal medical experiences to what Pupil A had disclosed to you;**

The panel heard from Witness B that on 15 March 2021, she was walking down the corridor at lunchtime, on lunch duty, to ensure that pupils were heading towards the lunch hall. She saw one pupil outside Mr Bell's classroom and asked her to go to lunch. The student replied that she was waiting for her friend in the class. Witness B saw Mr Bell speaking to Pupil A and listened to the conversation from the doorway. Witness B described Mr Bell as being engrossed in speaking to Pupil A. Witness B recalled that Mr Bell was telling Pupil A that she must stop living in her fantasy world and think more of the real world, or words to that effect. Mr Bell repeated these comments a few times, as well as something to the effect of "I can relate."

Witness B confirmed during questioning that she wasn't present for the start of the conversation and did not know how it began or how much Pupil A spoke. Witness B listened for approximately five minutes, during which time Pupil A did not speak. Witness B then interrupted the conversation and asked if Pupil A wanted to continue the conversation or go to lunch. Pupil A chose to go to lunch.

Witness B described the conversation as making her feel uncomfortable because it seemed like Mr Bell was highlighting his own issues, he was assuming how his own issues related to Pupil A and Pupil A's voice was not being heard.

Witness C, in her evidence following the incident of 15 March 2021, stated that during her conversation with Mr Bell and Individual E about this incident, Mr Bell related this to his [REDACTED]. Witness C concluded that Mr Bell had made a *"disclosure of his own [REDACTED] and the fact he was linking that to Pupil A's despite having no medical background or understanding of Pupil A's [REDACTED] crossed a line professionally."*

The panel has reviewed the evidence and concluded that, based on the context of the events and the evidence that came after 15 March 2021, the description of what Witness

B heard regarding “I can relate” was more likely than not to refer to Mr Bell’s own medical condition(s). Therefore, the panel has concluded on a balance of probabilities that this allegation is proven.

**iii. attempted to diagnose their current state.**

The panel heard from Witness A, who on 15 March 2021, whilst walking down a set of stairs at the end of the school day, overheard Pupil A and Mr Bell talking. Witness A heard Pupil A saying something along the lines of “*my Dad thinks I have [REDACTED].*” Witness A couldn’t remember which of the two was said. Mr Bell replied with something like “*of course you have [REDACTED].*”

Witness A described this meeting in an email he sent to Witness C as Witness C was [REDACTED].

Witness B also wrote an email to Witness C and Individual E that “*It appeared that SBE was trying to diagnose and relate to Pupil A from his own experiences...*”.

Witness C in her evidence stated that Mr Bell should not be diagnosing Pupil A as he is not medically trained.

In another comment from Pupil A’s mother, the panel saw that she states that Mr Bell “*tells [Pupil A], things like, she has [REDACTED].*”

The panel has considered the evidence and has placed additional reliance on evidence that is contemporaneous. This is in part due to the timeframe between the allegations and the hearing.

The panel has on the balance of probabilities concluded that this allegation is proven.

**2. You were convicted in Nevada, USA in or around August 2014 for the offence of Felony Possession (with Intent to Distribute) of a Controlled Substance (Marijuana);**

The panel has seen the ‘Judgment of Conviction’ from the District Court of the State of Nevada, USA, dated 5 September 2014. The conviction is for ‘possession of a controlled substance for the purpose of sale, a violation of NRS 453.337, a felony’. The panel concludes that this conviction is, for all intents and purposes, the same as set out in the allegation. You were sentenced to a suspended sentence of imprisonment for a minimum term of 14 months and a maximum of 36 months.

You pled guilty to the offence on 8 July 2014.

The panel concluded that this conviction is in or around August 2014 and finds this allegation proven.

**3. In or around 2015 you received a UK police caution for the offence of Fraud by Misrepresentation for having failed to disclose your conviction at**

## **Allegation 2 to School B when applying for a teaching role there in or around 2014;**

The panel has seen in the bundle that a caution has been destroyed in line with the UK Government's guidelines on data retention periods. A summary was obtained by the TRA from the police of the caution signed by Mr Bell. The panel notes from the summary that Mr Bell was employed by School B and was suspended on 12 November 2014 following information provided by an anonymous source. When interviewed, Mr Bell admitted lying about spending time in prison in the USA for a conviction for intent to supply cannabis. Mr Bell stated that he would like to resign, to which School B agreed. The job application Mr Bell provided to School B did not declare the crime he had committed, stating on the form that he had not been convicted of a criminal offence. Mr Bell voluntarily attended an interview with the police at Charing Cross Police Station and had a solicitor present. Mr Bell made a full admission to making a false declaration on his application form. Mr Bell was issued an adult caution by the police on 28 July 2015.

The panel has seen no application form or job description for the role Mr Bell had at School B. Within the investigation report of the caution, there is reference to Mr Bell applying for teaching positions in Scotland. Also, the salary paid and pending to Mr Bell at the point of termination from School B was indicative of an early career teacher. The panel on balance believe that it was more likely than not that Mr Bell was applying for a teaching role at School B.

Mr Bell provided a statement of disclosure to School A as part of his application form, stating that he was given a police caution for 'Fraud by Misrepresentation'.

The panel has found this allegation proven.

### **4. Your conduct giving rise to the caution at Allegation 3 was dishonest and/or lack integrity.**

The panel had regard for the legal adviser's advice when considering an allegation of dishonesty. The panel first needed to ascertain subjectively the actual state of Mr Bell's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Bell's state of mind was honest or dishonest by applying the objective standards of the ordinary honest person.

The panel has not been able to hear from Mr Bell due to his non-attendance. The panel has relied on the evidence within the bundle regarding his actions and the fraud set out in allegation 3. The panel has reviewed the 'Statement of Disclosure of Criminal History' to School A. The panel understands from this document that Mr Bell believed he was not legally required to disclose the conviction because it was committed in another country

and outside of the EU. The panel also understands that Mr Bell accepted the caution for 'Fraud by Misrepresentation' from the police.

The panel understood from the hearing that dishonesty is an element of fraud. Mr Bell was represented when he attended Charing Cross Police Station and is believed to have understood the constituent parts of a fraud offence. Therefore, the panel has concluded that Mr Bell was being dishonest when he did not state he had a criminal conviction.

The panel went on to consider if Mr Bell's state of mind was honest or dishonest by applying the objective standards of the ordinary honest person. The panel has held that it is likely that the ordinary honest person would consider knowing that Mr Bell has a conviction and stating on the application form that he had not been convicted of a criminal offence as being dishonest.

The panel concluded that this allegation is proven.

The following allegation was found not proven.

- 1. Whilst employed by Ebbsfleet Academy (School A) in or around March 2021 you:**
  - b. Failed to follow correct protocols in accurately recording and reporting the conversation had with Pupil A at Allegation 1 above and/or on one or more previous occasions.**

The panel has been able to review School A's Safeguarding Policy updated in September 2020. There are a number of sections to the document. The panel has read and reviewed the section titled '[REDACTED]'. The panel understands that the policy of the school is that:

*"If staff have a [REDACTED] concern about a child, immediate action should be taken by reporting using the academy safeguarding reporting tool, or speaking directly to the DSL"*

The panel has heard from the witnesses that the reporting tool used in School A is 'My Concern'.

The panel has seen that Mr Bell made three My Concern logs regarding Pupil A. One of which relates to the incident that Witness B stood in the doorway for dated 15 March 2021. When the panel questioned Witness C about this log, Witness C confirmed that she didn't have any concerns with the content of the log. [REDACTED]. She confirmed that Mr Bell had not reported any concerns regarding Pupil A to her directly. The panel reviewed the log dated 15 March 2021 and concluded that the information within it was sufficient to be able to inform a safeguarding lead of the events of the day and any concerns that were raised. Although there is no evidence to the totality of the

conversation Mr Bell had on 15 March 2021 with Pupil A, there is no evidence that the log had been inaccurately recorded.

The panel also saw evidence that Mr Bell had conversations with Pupil A on three or four occasions about [REDACTED], other than the discussion on 15 March 2021. The panel understand that there have not been My Concern logs for these other discussions on [REDACTED]. However, it is also unclear what was discussed during these conversations between Mr Bell and Pupil A. The panel understands that practically, teachers have some discretion on whether to make a log or report a matter. This will depend on the content of discussions and what was said to a teacher by a pupil. The policy extract above also allows for this. Staff are to take immediate action if they have a [REDACTED] concern about a child. It remains unclear if Mr Bell had concerns about Pupil A's [REDACTED] in these other three or four discussions.

Therefore, the panel has found this allegation not proven.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence**

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

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

#### **Unacceptable Professional Conduct**

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Bell, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Bell was in breach of the following provisions of the 2020 statutory guidance.

Paragraph 35 stated that:

*“Only appropriately trained professionals should attempt to make a diagnosis of a [REDACTED] problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a [REDACTED] problem or be at risk of developing one.”*

The panel has found that Mr Bell did make comments to Pupil A regarding [REDACTED] and has found proven that he attempted to diagnose Pupil A’s current state. The panel has concluded that this is a breach of the relevant KCSIE guidance in place at the time.

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

The panel also considered whether Mr Bell’s acceptance of a caution 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 fraud 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.

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

### **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.

The panel also considered whether Mr Bell’s conduct and acceptance of a caution 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 fraud 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 panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The public expects teachers to be role models and trusted individuals to pupils. Mr Bell's comments to a vulnerable pupil such as Pupil A about [REDACTED], to the point of diagnosing her, are wholly inappropriate and a further risk to Pupil A's health. Pupil A's parents also took issue with Mr Bell's comments regarding his diagnosis and his comments about his own [REDACTED] diagnosis that he had with their daughter.

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

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

Having found the facts of allegations 1.a, 3 and 4 proved, the panel further found that Mr Bell's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

### **Convicted of a Relevant Offence**

The panel was satisfied that the conduct of Mr Bell, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Bell 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
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect

The panel notes that at the time of the conviction Mr Bell was not a UK teacher. He was however employed as a maths teacher at [REDACTED]. The Teachers' Standards would not have applied to Mr Bell at the time of the conviction and the panel notes that the rule of law breached by Mr Bell would have been those laws in the United States. However, the panel on reflection concludes that the above provision of the Teachers' Standards has been breached.

The panel noted that the individual's actions were not relevant to teaching, working with children and/or working in an education setting. As the conviction related to possession of marijuana and there is no connection of the facts of the conviction regarding Mr Bell's ability to teach children.



The panel did not consider that Mr Bell's actions had a potential impact on the safety or security of pupils or members of the public.

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

This was a case concerning a drugs offence in the USA for possession of marijuana which closely aligned to involving supply (selling, dealing or sharing) or production of any class B drug.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

Mr Bell pled guilty at an early stage of the criminal process in the USA. Mr Bell received a suspended prison sentence and a probation order.

The panel understands that [REDACTED]. Therefore, any decision to hire Mr Bell for a teaching position in the UK would be at the discretion of the headteacher.

The panel reviewed the bundle to take into account any evidence of mitigating circumstances. Mr Bell did not engage with the TRA and therefore provided no documents for the panel to consider. The panel did consider the circumstances of the conviction as set out by Mr Bell in his application to School A. Mr Bell stated that the cannabis was a medical prescription for [REDACTED]. Mr Bell and [REDACTED] was hoping to move back to the UK and fearing that a drugs conviction could affect their ability to enter or staying in the UK, Mr Bell took responsibility for the offence.

The panel was provided with no evidence of Mr Bell's teaching proficiency.

The panel considered that a finding that this conviction was for a relevant offence.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Bell 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest.

In light of the panel's findings against Mr Bell, as stated above, there is a strong public interest consideration regarding the safeguarding and wellbeing of pupils. It is inappropriate for a teacher to comment on potential diagnoses for pupils, especially those who may be vulnerable to such suggestions, given Mr Bell's status as a teacher and his uniquely influential role in pupils' lives. Mr Bell's actions also undermined the efforts of trained members of School A who were assisting Pupil A with her [REDACTED] concerns and put at risk the pupil's relationship with her parents.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bell were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Bell was outside that which could reasonably be tolerated.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

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

In light of the panel's findings:

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

There was no evidence to suggest that Mr Bell was acting under extreme duress.

The panel received no evidence that Mr Bell did have a previously good history of teaching, having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector.

The panel notes that no references or testimonies were provided from any colleagues that could attest to his abilities as a teacher. The panel think it likely that Mr Bell will have made a contribution to teaching but there is no evidence that this was exceptional.

The panel saw evidence that showed Mr Bell was previously subject to disciplinary proceedings.

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 Bell of prohibition.

The panel considered whether Mr Bell had evidenced any insight or remorse. The panel has considered the statements from Mr Bell's correspondence with the TRA which state some of the following:

- *"Individual E made every attempt to remove me from the school..."*
- *"I conclude that the decision was made well in advance and it would have been inconvenient to suspend me while awaiting the hearing"*
- *"I would also add that I have zero respect for this process."*

- *“The fact that the TRA finds some validity in these accusations further demonstrates the complete lack of any kind of justice within this system.”*
- *“I won’t be there...the entire system is fucked...I never want to hear from you again...leave me the hell alone”*

Based on these comments and the wider correspondence, the panel has seen no evidence of any remorse or insight since Mr Bell left School A. The correspondence that the panel has been able to review between Mr Bell and the TRA shows that he has sought to blame or deflect on to others the concerns and allegations contained within this hearing. Due to the lack of insight or genuine remorse shown by Mr Bell, the panel was concerned that there could be instances of repetition were Mr Bell to continue teaching without 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 Bell. The absence of any insight or genuine remorse was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. None of those cases was relevant to Mr Bell’s conduct.

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. These cases include possession with intent to supply another person, supply (selling, dealing or sharing) and production of any class A, B, C or unclassified drugs and fraud. The panel found that Mr Bell was responsible for having a conviction related to the possession of marijuana in the state of Nevada, USA, what the panel would understand to be a class B drug in the UK, and a caution for fraud from the UK police.

The panel took into account the issue of mitigation, however no mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Bell meant that the panel could not be satisfied that there would not be a repeated failure to follow the relevant safeguarding processes and procedures.

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. As such, the panel decided that it would be proportionate for the prohibition order to be recommended with provision for a review period after 5 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 some 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 and/or a relevant conviction. In this case, the panel has found some of the allegations not proven, including allegation 1 b. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Simon Bell should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Bell is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Bell, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include potentially diagnosing vulnerable pupils, a conviction related to the possession of drugs, a caution for fraud and dishonesty.

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In light of the panel's findings against Mr Bell, as stated above, there is a strong public interest consideration regarding the safeguarding and wellbeing of pupils. It is inappropriate for a teacher to comment on potential diagnoses for pupils, especially those who may be vulnerable to such suggestions, given Mr Bell's status as a teacher and his uniquely influential role in pupils' lives. Mr Bell's actions also undermined the efforts of trained members of School A who were assisting Pupil A with her [REDACTED] concerns and put at risk the pupil's relationship with her parents." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Based on these comments and the wider correspondence, the panel has seen no evidence of any remorse or insight since Mr Bell left School A. The correspondence that the panel has been able to review between Mr Bell and the TRA shows that he has sought to blame or deflect on to others the concerns and allegations contained within this hearing. Due to the lack of insight or genuine remorse shown by Mr Bell, the panel was concerned that there could be instances of repetition were Mr Bell to continue teaching without prohibition." In my judgement, the lack of insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bell were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of a teacher potentially diagnosing pupils, a conviction involving drugs, a caution for fraud and dishonesty in this case and the impact that such findings 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 or conduct likely to bring the profession into disrepute, or a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Bell himself and the panel comment “The panel received no evidence that Mr Bell did have a previously good history of teaching, having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector.”

“The panel notes that no references or testimonies were provided from any colleagues that could attest to his abilities as a teacher. The panel think it likely that Mr Bell will have made a contribution to teaching but there is no evidence that this was exceptional.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “The panel decided that the public interest considerations outweighed the interests of Mr Bell. The absence of any insight or genuine remorse was a significant factor in forming that opinion.”

I have also placed considerable weight on the finding that “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.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bell 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 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 5 year review period.

I have considered the panel's comments "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. None of those cases was relevant to Mr Bell's conduct." The panel has also said "The panel took into account the issue of mitigation, however no mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Mr Bell meant that the panel could not be satisfied that there would not be a repeated failure to follow the relevant safeguarding processes and procedures."

In this case, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of insight or remorse.

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

**This means that Mr Simon Bell 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 24 February 2030, 5 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 Bell remains prohibited from teaching indefinitely.

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

Mr Simon Bell 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 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 17 February 2025**

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