



National College for  
Teaching & Leadership

# **Mr Philip Barnwell**

# **Professional Conduct Panel outcome**

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

**March 2014**

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## **Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	<b>Mr Philip Barnwell</b>
<b>Teacher ref no:</b>	03/31292
<b>Teacher date of birth:</b>	18 April 1977
<b>NCTL Case ref no:</b>	9798
<b>Date of Determination:</b>	13 March 2014
<b>Former employer:</b>	Woodside High School, Wood Green, London N22 5QJ.

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 11, 12 and 13 March 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Philip Simon Barnwell.

The Panel members were Mrs Mary Speakman (Teacher Panellist) in the Chair, Mr Martin Pilkington (Lay Panellist) and Mr Tapan Debnath (Lay Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP, Solicitors, Oxford.

The Presenting Officer for the National College was Miss Sophie Lister of Kingsley Napley LLP Solicitors, London.

Mr Philip Barnwell was present for part of the hearing but left after the Presenting Officer’s opening submission. He was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The Panel considered the allegation set out in the Notice of Proceedings dated 12 August 2013.

It was alleged that Mr Philip Barnwell was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute, in that whilst employed at Woodside High School, London between 2007-2008 he had an inappropriate relationship with a female year 11 student/former female year 11 student: Pupil A.

Mr Barnwell denied the facts.

## **C. Preliminary applications**

On Mr Barnwell absenting himself from the hearing following the Presenting Officer's opening submission the Panel considered an application for the case to continue in his absence. The Panel directed that the case should proceed as Mr Barnwell made clear that he had no wish to attend the remaining part of the hearing and he had therefore waived his right to be present. Mr Barnwell left a three page "open letter" to the Members of the Panel which set out his views of the investigation, evidence and procedure and gave some indication of his current circumstances.

## **D. Summary of evidence**

### **Documents**

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

Section 1 – chronology/anonymised pupil list – pp 1-4

Section 2 – notice of proceedings and response – pp 5-11

Section 3 – NCTL witness statements – pp 12 – 47d

Section 4 – NCTL documents – pp 48 – 299

In addition, the Panel agreed to accept the following (submitted by consent):

Section 5 – additional documents/correspondence – pp 300 – 326

Section 6 – teacher documents (open letter) – pp 327 - 329

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

## Witnesses

The Panel heard oral evidence from the following witnesses called by the Presenting Officer :-

Pupil B – schoolfriend of Pupil A.

Witness A – former member of staff, Woodside High School.

Witness B – member of staff, Woodside High School.

Witness C – Police Officer.

Witness D – Headteacher, Woodside High School.

No witnesses were called by Mr Barnwell.

## E. Decision and reasons

The Panel announced its decision and reasons as follows:

“We have now carefully considered the case before us and have reached a decision.

*We confirm that we have read all the documents provided in the bundle in advance of the hearing.*

***The case concerns an allegation that when employed as a teacher at Woodside High School during 2007/8, Mr Barnwell had an inappropriate relationship with Pupil A. At the time Pupil A was aged 15/16 and in July 2008 when Mr Barnwell was suspended pending Police and School investigations into his alleged conduct Pupil A had just completed her GCSE's.***

***The relationship is said to have involved the teacher frequently spending time alone with Pupil A in school time, communications by text and MSN between them, pre-arranged meetings outside school and overnight stays. It is alleged the liaison with the pupil was disclosed by Mr Barnwell to a friend of Pupil A who was in the same year at school. It is also specifically alleged that on one night Pupil A stayed at Mr Barnwell's home and shared a bed with him. On another occasion it is also said that he took her to a hotel in Brighton where they stayed for 2 nights during term time and that he falsely told the school that he was absent through sickness.***

***Later – shortly after Pupil A had left the school in September 2008 – it is alleged that she was seen near a park together with Mr Barnwell and they “appeared very close”.***

***Mr Barnwell says that there was no inappropriate relationship and asserts that the College's principal witness Pupil B has lied in providing differing accounts of what***

***occurred. He submits that another member of staff Witness B who describes seeing him and Pupil A together in September 2008 is “at best confused, and at worst has been briefed to suggest facts to support a pre – existing decision.”***

## Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Philip Barnwell proven, for these reasons:

That whilst employed at Woodside High School London between 2007/2008 he had an inappropriate relationship with a female year 11 student/former female year 11 student; Pupil A.

We heard from three witnesses called by the Presenting Officer who gave first hand evidence of their observations to the hearing in person. We were therefore able to assess those witnesses and to ask them questions. Of those, the principal witness was Pupil B who, although understandably nervous, we found to be an entirely straight forward and credible witness. Importantly she had also been very good friends with Pupil A. Some of what she told the hearing was supported and corroborated by Witness A, a former member of staff at Woodside High School, who gave evidence by video link. She told the Panel of her growing concerns relating to observations she had made of the excessive time that Mr Barnwell spent with Pupil A in the school. We also found Witness A to be a credible witness and could find no reason to conclude that she was not being truthful.

Finally we also found Witness B, another staff member, to be a witness upon whom we were able to rely. She dealt with one specific incident only.

We could not conceive of any reason why these witnesses should want to attend this hearing to give false evidence against Mr Barnwell over 5 years after the events under review. The evidence of all three witnesses was broadly consistent with the totality of the evidence that we both heard and read in this case. Our assessment that these three witnesses were telling the truth largely underpins the findings of fact that are set out in greater detail below.

By contrast Mr Barnwell, having attended the start of this hearing, decided to absent himself at an early stage in the proceedings despite strong and clear guidance from the legal advisor that the Panel would thus be deprived of the opportunity of hearing from him in person. We have only received from him a 3 page open letter (pp 327-9) which makes some comments about the quality and reliability of the National College's evidence. It also sets out his complaints about the disciplinary process followed both by the school and the National College. However, he waived his opportunity both to give evidence to the Panel in the course of the hearing and to test the evidence of the College's witnesses by questioning. As a consequence, some of the specific incidents alleged by the National College which were covered by the evidence remain largely unanswered by Mr Barnwell.

The Panel were presented with evidence to confirm that Mr Barnwell was in a relationship with Pupil A by 2009.

### **Spending time with Pupil A at School**

Turning to the factual elements which make up the allegation we are satisfied from the evidence of both Pupil B at paragraphs 6-9 of her witness statement and the clear oral evidence of Witness A that Mr Barnwell spent inappropriate amounts of time at school with Pupil A when unsupervised, such that Witness A began to become very concerned about the unprofessional nature of that contact.

### **MSN Messaging**

Similarly we are satisfied from the careful and measured evidence given by Pupil B to the hearing that Philip Barnwell engaged in text messaging on MSN with both Pupil A and Pupil B. We find as a fact that he disclosed to Pupil B in late May/early June 2008 that , by then, he was having a relationship with Pupil A, that they were telling Pupil B because they trusted her, and that there would be no point telling anybody because Pupil A was due to leave the school soon.

### **School Prom Text Messages**

Similarly we find that we can rely on Pupil B's account that at the School Prom in early July there was an exchange of text messages between Mr Barnwell and Pupil A which concluded with Pupil B eventually texting Mr Barnwell from Pupil A's phone to ask him to stop texting Pupil A.

### **Hotel overnight stay/morning after pill**

We have carefully considered Pupil B's disclosure to the Headteacher in her interview (attended by her father) on 24 September 2008 that Mr Barnwell " took her ( Pupil A ) to a hotel for the night and the following day took her around London. They had to go to a clinic because (Pupil A) needed the morning after pill."

Witness D, the Headteacher, told us on oath that her notes of this meeting were made contemporaneously and were accurate. She was clear that this was said and recalled that Pupil B mentioned that Mr Barnwell had been waiting for Pupil A's 16<sup>th</sup> birthday which is when the overnight stay in the hotel was arranged. As with the other live witnesses called, we assessed the Headteacher to be a reliable witness. We are thus satisfied that this information was given to her by Pupil B, even though we recognise it is not mentioned in Pupil B's witness statement. Pupil B also told us in the course of her evidence that the notes of her meeting with the Headteacher were accurate and we are satisfied on the balance of probabilities that this incident did occur.

### **Stay at the Royal York Hotel, Brighton**

In relation to the 2 night stay in a Brighton hotel at the end of June Mr Barnwell accepts that he stayed at the Royal York Hotel. He does not deny initially lying to the school in claiming that he was absent from work through sickness. He says he went with his wife to the hotel in an attempt to resolve their personal difficulties. There is no independent evidence that his wife accompanied him.

In contrast Pupil B said in her witness statement at paragraph 18 that Pupil A “ told me that she and Philip Barnwell had been away together and had stayed at a hotel. As far as I can remember they went to Brighton together. I remember they stayed at the hotel together because they were both off school.” Pupil B gave a similar account to a member of staff, Individual A, (p 71 and p73 of the case papers) shortly after her initial interview with the Headteacher. She also confirmed this account in her evidence to the hearing when she said that Pupil A had volunteered to her that when Pupil A had been off school she had gone to Brighton with Mr Barnwell. Pupil A was her friend and we cannot accept that Pupil B has made up this account. We therefore conclude that on the balance of probabilities Mr Barnwell was accompanied by Pupil A and not his wife at the Brighton Hotel.

### **Trafalgar Square Meeting**

In relation to Mr Barnwell meeting the two girls in Trafalgar Square, Pupil B gave evidence to the hearing which was consistent with her written witness statement and we were satisfied that this was not a chance encounter. She said that Pupil A contacted Mr Barnwell and he then turned up. We had no reason to conclude that she made up the evidence she gave about Mr Barnwell meeting them as a consequence of speaking to Pupil A on the telephone as she mentioned it in her initial interview with the Headteacher and also in her witness statement where she says that Pupil A told her “she needed to speak to Philip Barnwell”. We believed her. It also fits with the general context of Mr Barnwell’s behaviour towards Pupil A at this time.

### **Meeting at Leytonstone/overnight stay**

In his interview with the Headteacher on 9 July (p65 of the case papers) Mr Barnwell accepts that he briefly met Pupils A and B outside a pub that he had been drinking in, in Leytonstone. He infers that this meeting also occurred by chance.

Pupil B gave very different detailed evidence about this meeting. She said that on the way to Leytonstone Pupil A told her she was going to meet Philip Barnwell again. They met at the train station and remained with him the whole evening. They then stayed overnight at his house which she described as being a ground floor flat. She described the location of his bedroom. She said that Pupil A and Mr Barnwell were drinking alcohol. She kept asking when they could leave but she and Pupil A ended up staying the night at the flat. Mr Barnwell and Pupil A shared his bed and Pupil B slept on the floor. This happened on the night before the School Prom. This account given at the hearing was entirely consistent with paragraphs 13 and 14 of Pupil B’s witness statement.



Mr Barnwell in his written submission to the Panel at p328 of the case papers suggests that Pupil B should not be believed on this issue of staying overnight at Mr Barnwell's flat because this evidence has never been mentioned before and that "she is either lying now or in her previous testimony". We accept that the account of staying at Mr Barnwell's flat was never mentioned to the Headteacher in two interviews with her – the second interview being attended by her father. However Pupil B told the hearing candidly that she didn't tell the Headteacher everything that is now known. We believe that given Pupil B's position and relative immaturity at this time there may be a number of perfectly credible reasons that she felt unable to disclose everything that had occurred to the Headteacher, not least in the second interview when her father was present. We are completely satisfied that she felt very uncomfortable about the knowledge she had as to what had been going on between Mr Barnwell, a member of staff, and Pupil A, one of her best friends, so that she was placed in a very difficult position. The evidence she gave to the hearing was nonetheless wholly persuasive - and we believed her. By contrast Mr Barnwell's very brief explanation that he bumped into the two girls outside a pub in the area wholly by chance we found very hard to accept.

### **Meeting with Witness B – near Springfield Park**

Finally Witness B gave evidence about seeing Mr Barnwell on the way back from Springfield Park on 17 September 2008. She was certain he was with Pupil A. We had no cause to doubt her truthfulness or the identification of Mr Barnwell and Pupil A that she described.

At the time of seeing Mr Barnwell and Pupil A Witness B was on maternity leave and was taking her baby daughter out for a walk with friends. She told the hearing that she knew Pupil A well: she clearly recognised her face. She had taught her for just under 3 years. They had had a positive teacher/pupil relationship.

She had a clear unobstructed view of Mr Barnwell and Pupil A on seeing them initially from about 100 yards away until Pupil A rushed past her and went around the corner. She was 100 per cent certain they were together, they were very close although she couldn't be sure if they were holding hands. Pupil A passed her very closely as she went past on her right hand side. It was about 4.30.p.m. on a bright day. Pupil A was wearing a distinctive tweed bomber jacket that she also recognised from school.

Witness A's evidence was utterly convincing.

In the course of questioning she was shown the accounts of Mr Barnwell, Pupil A and the "alibi" statement of Pupil C in the case papers which suggested that Pupil A was elsewhere at that time on that day. Her reaction was to say that the accounts which she had seen for the first time of Mr Barnwell (p177), Pupil C (p176) and Pupil A (p174) were not true. She said it was definitely Pupil A that she saw. We found no reason to doubt her – she was a very good witness.

Our factual findings taken together provide an abundance of evidence to establish that Mr Barnwell had a relationship with Pupil A, one of his school pupils, which was totally inappropriate and involved sexual activity. It matters not whether Pupil A appeared to be a willing participant in that relationship. It was inappropriate because of the teacher/pupil relationship. The relationship subsisted for several months both before and after 31 August 2008 when Pupil B left Woodside High School.

## **Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute and/or conviction of a relevant offence**

In our judgement this is a case of both Unacceptable Professional Conduct and Conduct that may bring the Profession into Disrepute. We are satisfied that Mr Barnwell's misconduct was of a serious nature and fell significantly short of the standard expected of a teacher. It occurred both within the school and in various places in and around London and elsewhere.

Our factual findings establish not only that Mr Barnwell's relationship with Pupil A was inappropriate but also that he engaged in sexual activity with her once she had reached her sixteenth birthday when she was still a pupil at the school where he was a senior member of staff . We judge his behaviour towards a young , dependent and vulnerable pupil to be very grave and noted in the evidence from the Headteacher that Pupil A came from a broken home and apparently had very little contact with her natural mother and none with her father. In those circumstances the imperative on Mr Barnwell to observe the professional boundaries that should attend the teacher/pupil relationship was particularly acute. His behaviour was totally unacceptable.

He has fallen very far short of the ideals set out in the Teachers Standards in relation to his personal and professional conduct specifically in his duty to uphold public trust in the profession and to maintain high standards of ethics and behaviour. He has failed to treat pupils with dignity and to build relationships rooted in mutual respect. He has particularly failed to observe the boundaries appropriate to his professional position as a teacher. He has also shown a disregard for the need to safeguard pupils' well being in accordance with statutory provisions. We consider this case to be very serious. As a teacher Mr Barnwell held a position of trust towards all the school pupils.

Over a period of time Mr Barnwell cultivated a relationship with Pupil A despite being twice her age. The evidence indicates Pupil A's home circumstances rendered her especially vulnerable with no immediate family available. Mr Barnwell pursued a course of conduct towards her over a period of some months, both when she was on the school roll and after she had left. His denial of the allegation in this case in the face of very strong evidence demonstrates an alarming lack of insight into the seriousness of his conduct. In addition his involvement of Pupil B in the attempt to cover up his behaviour and the stress and anxiety that caused to another young pupil is further compelling evidence of his thorough disregard for the welfare of the pupils for whom he was

responsible. As a consequence, for a very considerable time Pupil B was under pressure – out of loyalty to her friend - not to disclose information to which she was privy that a senior member of staff was behaving in a way that was totally reprehensible and irresponsible. That must have been an enormous emotional burden for Pupil B to carry at a time when all of her focus should have been on her exams. That she appears to have come through the experience relatively unscathed is exemplified by the mature and careful way in which she gave her evidence during the course of this hearing.

We have absolutely no doubt that this is a case of both Unacceptable Professional Conduct and Conduct that may bring the Profession into Disrepute.”

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

**We recognise that Prohibition Orders are imposed in the public interest which includes:-**

- the protection of pupils and other members of the public**
- the maintenance of public confidence in the profession**
- declaring and upholding proper standards of conduct.**

**We consider that all three principles are engaged by Mr Barnwell’s conduct in this case. It is very clear that his behaviour represents a serious departure from the personal and professional conduct elements of the teachers’ standards. He abused the position of trust that he held by virtue of his professional position and, very seriously, engaged in sexual activity with Pupil A. We are satisfied that his actions were deliberate and in some instances, namely the night spent at a hotel with Pupil A around her sixteenth birthday and the visit to Brighton, were carefully planned.**

**We believe that his attitude and response to this disciplinary case indicates a lack of acknowledgement of the seriousness of his behaviour, the damage caused to the collective reputation of the profession and undermines public confidence in the profession.**

**We recognise from the evidence of the Headteacher that Mr Barnwell was regarded as a good teacher until the events disclosed by this case were known and there is no evidence of him being involved in any previous professional misconduct.**

**However, parents and others must be able to entrust children, particularly those who are vulnerable because of family or other circumstances, to the care of teachers, confident that teachers will observe professional boundaries towards those whom they teach.**

**We conclude that the evidence in the case demonstrates conclusively that Mr Barnwell’s conduct renders him incompatible with remaining as a member of the profession and that a Prohibition Order should be imposed. It is our view that this**

is such a serious case, and because Mr Barnwell demonstrates no insight into the gravity and effect of his misconduct, that there should be no review period.

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

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

This is a very clear case of unacceptable professional conduct and conduct that may bring the profession into disrepute.

I have given careful thought to the purpose of a prohibition order and to the need to balance the interests of the teacher with the public interest and the wider interest of the profession.

It is clear to me that in this case there is a clear need to take action. It is very clear to me that Mr Barnwell's conduct falls significantly short of that expected of a teacher and set out clearly in the relevant standards. Mr Barnwell abused the position of trust that he held, and, he engaged in sexual activity with Pupil A. This is very serious misconduct. I am satisfied that Mr Barnwell's actions were both deliberate and at times carefully planned.

It is clear from the panel's recommendation that his attitude and response to this disciplinary case shows a lack of acknowledgement of the seriousness of his behaviour, the damage caused to the collective reputation of the profession and the way that it undermines public confidence in the profession.

I have taken into account the fact that Mr Barnwell was regarded as a good teacher until the matters set out here were known about and I have taken into account that there is no evidence of him being involved in any previous professional misconduct.

I have had to balance that with the need to recognise that parents and the public must be able to entrust children, particularly those who are vulnerable, to the care of teachers, confident that they will observe professional boundaries towards those whom they teach.

It is my view that the evidence in this case demonstrates that Mr Barnwell's conduct should lead to a Prohibition Order.

I have also given careful consideration to the recommendation of the panel in respect of the review period. I have seen no evidence of insight or remorse in this case and I support the recommendation that there should be no review period.

This means that Mr Philip Barnwell is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved

against him, I have decided that Mr Philip Barnwell shall not be entitled to apply for restoration of his eligibility to teach.

This Order takes effect from the date on which it is served on the Teacher.

Mr Philip Barnwell has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

**NAME OF DECISION MAKER: Alan Meyrick**

**Date: 14 March 2014**

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