

# NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

## Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Andrew Lee Channing  
**Teacher ref no:** 9949298  
**Teacher date of birth:** 17 July 1975  
**TA Case ref no:** 9374  
**Date of Determination:** 17 May 2013  
**Former Employer:** Lydiard Park Academy, Swindon

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### **A. Introduction**

A professional conduct panel ("the panel") of The National College for Teaching and Leadership (NCTL) convened on 12, 13, 14 March and 17 May 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Channing.

The Panel members were Mr Mark Tweedle (Teacher Panellist – in the Chair), Mr John Pemberton (Teacher Panellist), and Ms Mahfia Choudhury (Lay Member).

The Legal Adviser to the panel was Miss Francoise Snape of Berrymans Lace Mawer LLP Solicitors. The Presenting Officer was Ms Chloe Binding of Kingsley Napley Solicitors.

Mr Channing was present and represented by Mr Lawrence Shaw, a Regional Official of the NASUWT. The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegation set out in the notice of proceedings dated 2 January 2013.

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

Whilst employed as a teacher at Green Down School, Swindon, he between December 2001 and August 2003, had an inappropriate relationship with Pupil A whilst she was between 14 and 16 years old.

## **C. Preliminary Applications**

Prior to the hearing the Presenting Officer made an application for Mr Channing to be screened from the view of Pupil A whilst she gave evidence. Mr Channing's Representative wrote to the College on 29 January 2012 stating that although it was not agreed that pupil A was a vulnerable witness, the Presenting Officer's application was not being challenged. At the hearing Pupil A's view of Mr Channing was obscured by screens.

## **D. Summary of Evidence**

### Documents

Section 1	Chronology and Anonymised Pupil list	page 1 – 4
Section 2	Notice of proceedings and response	page 1 – 13
Section 3	Witness statement	page 14 – 54
Section 4	Teaching agency document	page 55 – 385
Section 5	Teacher documents	page 386 – 424

Additional bundles of evidence were produced by both the NCTL and Mr Channing's representative; these documents were added to the NCTL's and Teachers Documentation accordingly.

The Panel confirmed that they had read all the documents of which they had been provided in advance of the hearing. During the course of the hearing the Panel read the additional documents which had been provided by the party.

## **E. Opening Address**

Ms Binding stated that Mr Channing had been a teacher at the school in question, where Pupil A was, during the period in question in years 9 and 10. In 2010 Pupil A went to the police and made allegations that she had an inappropriate relationship with Mr Channing between the years 2001 to 2003. Pupil A had subsequently undergone counselling and it was as a result of that counselling that she made a decision to report Mr Channing to the police who subsequently carried out an investigation. Mr Channing was interviewed under caution on a number of occasions and also underwent a disciplinary investigation. He was never charged by the police in respect of Pupil A's allegations and was still employed as a teacher.

### **Brief Summary of Evidence Given**

#### **Evidence of Pupil A**

She identified her statement and signature at pages 15-23 and confirmed that the contents were true to the best of her knowledge and belief.

In response to supplementary questions from the presenting officer Pupil A responded as follows:-

- She attended Green Down School, Swindon between 1998-2003 from the ages 11-16.
- Andrew Channing was a Science teacher and tutor group leader. He was not Pupil A's teacher but helped her with her school work although he was not her assigned personal tutor.
- Contact between Pupil A and Andrew Channing started when she and a couple of friends, in his tutor group, used to eat their lunches in his classroom.
- Pupil A later helped Andrew Channing with a computer club which was at the end of year 9 going into year 10 when Pupil A would have been 14.
- Pupil A developed a schoolgirl crush on Andrew Channing, she and her friends used to joke about it. He paid her attention and at that time people were not paying Pupil A any attention. Andrew Channing brought chocolates in for Pupil A and her friends. He told her that she looked grown up in her school uniform.
- In October 2001 Pupil A attended a school open evening which finished late meaning that it was dark. Andrew Channing offered to give her a lift. Pupil A thought that it was awkward at the time and recalls that she made reference to the fact that she was walking home after the open evening. Andrew Channing had not asked her mother's permission and Pupil A was not aware of any telephone contact between Andrew Channing and her mother. At that time she lived five minutes from the school and used to walk home every day.
- Pupil A and one of her friends wanted to obtain Andrew Channing's email address. They went via MSN and made up a story about Pupil A being a teacher. They managed to make contact with Andrew Channing who said that he worked at Motorola. At some point during their online conversations Andrew Channing told Pupil A that he knew who she was and that they could continue to speak together but that she needed to tell her friend that they were no longer talking to each other. Pupil A confirmed her email address at that time. The name she used was Sarah Harper. Andrew Channing also used an email address, his online name was Greg Thomas. Pupil A said that she was excited by the attention because she wanted to talk to him as she had a crush on him. She did not tell her friends that she and Andrew Channing were communicating online.
- The emails between Pupil A and Andrew Channing became more and more flirtatious. Pupil A was aware that Andrew Channing found her attractive. He gave her his mobile number and asked her to text him.
- At that time Andrew Channing lived near Pupil A's father's house. Pupil A and Andrew Channing agreed to meet up after school. Pupil A said that it was hard to say what her expectations were because she had never had any interaction with a boy before, she was nervous but excited.
- As far as 27 December 2001 was concerned Pupil A said that she went from her father's house to local shops and met Andrew Channing in the car park. She hid

in the back of his car. Andrew Channing was wearing sunglasses and a hat which she believed to be some kind of disguise. He asked her to get into the back seat and to lie down. They went to his house in Matley Moor which Pupil A described as being a small open plan house. The décor was orange/blue with a computer under the stairs. There was an open plan bedroom upstairs. When Pupil A went into the house Andrew Channing offered her a drink/breakfast and then he kissed her. Pupil A was terrified because she had never kissed anyone before. She felt tired and a little sick and accepted Andrew Channing's offer to lie down on his bed whilst he did some jobs. She fell asleep, when she woke up Andrew Channing was lying next to her. He kissed her and asked her if she wanted to take her clothes off. He helped her in removing her clothes and then removed all his clothes which "*really freaked me out*". They did not have sex, Pupil A got quite upset and put her clothes back on. She started crying and Andrew Channing gave her a cuddle. Pupil A couldn't remember whether or not she went straight home and after that incident they maintained contact via email/text. During half term and holidays Pupil A and Andrew Channing met up periodically.

- During the school holidays Pupil A would leave her house in the morning, meet Andrew Channing, get into his car and lie down on the back seat. They used to go to his house. At the end of the day she would leave Andrew Channing's house at about 16:00 hours by taxi.
- On 14 February 2002 when Pupil A was still 14 she and Andrew Channing used to arrange meetings by text/email. Pupil A couldn't remember how they arranged to meet. They went to Andrew Channing's house where Pupil A lost her virginity. They had sex more than once, she can't remember how many times. After she lost her virginity she and Andrew Channing used to have sex every time they met. Pupil A could not remember how many times she and Andrew Channing met during the school holidays.
- At page 41 of the supplementary bundle of evidence Pupil A's Important Memories Document is located. Pupil A prepared this for someone who was dealing with her allegations of sexual abuse. Pupil A was advised to write down significant memories to be placed to the police investigators.
- Andrew Channing paid for Pupil A to obtain the morning after pill.
- Andrew Channing liked to do things which were not normal for instance cutting her skin and licking her blood. He also placed clothes pegs on her nipples. At the time she let him do these things because she loved and trusted him. Pupil A confirmed that the contents of her supplementary witness statement were true.
- Pupil A said that her PC had become corrupted, her uncle had salvaged the contents placing them onto a disk which she handed to the police. Pupil A did not know where the disk was now. She was not asked about the document at Page 30 of the supplementary bundle of evidence during the police interview and during the school's disciplinary procedure.

- Pupil A confirmed that pages 14-16 had been typed by her, page 18 consisted of a portion of text summarising a conversation between Pupil A and Andrew Channing. On page 20 Andrew Channing was referring to orgasms and he wrote the text. The portion of text at the bottom of page 20 Pupil A thought was about the same subject matter but was unable to explain it. So far as page 21 was concerned the reference was to oral sex which Andrew Channing wrote. She saved it and then removed it because she didn't want her mum to see it. Pupil A gave Andrew Channing oral sex more than once.
- So far as Page 22 was concerned Pupil A could not remember specifically, she knows that she wrote the text but is unable to say whether it was a joke between her and her friends or between her and Andrew Channing.
- Pupil A was referred to MSN correspondence at page 25. She said that that document had come about because it had been saved onto her hard drive at some point. The document was a chat transcript from MSN and that conversation was private to the persons within it. Pupil A had conversations with Andrew Channing on MSN, her user name was "tryseeingthingsthroughmyeyes" her email was foxyminx. Andrew Channing's user name was "feareemptinessanddespair" which was attached to his email address. The frequency of messages between Andrew Channing and Pupil A was variable.
- Page 23 contained details of a conversation which Pupil A recalled vaguely. She recognised the content which was in relation to a sexual act but is not 100% sure what it related to. She thinks that the text relates to anal sex. This is because usage of the word taboo by Andrew Channing was associated with anal sex.
- The person referred to as Simon on page 26 doesn't exist. Pupil A cannot recall what exactly the text was about.
- Page 27 is a reference to Andrew Channing asking Pupil A for oral sex and her "not doing it".
- Page 28 contains references to sex.
- So far as her obtaining the morning after pill was concerned Pupil A had no money so Andrew Channing met her and gave her the money. She and a friend went into the pharmacy and her friend bought it on her behalf.
- Pupil A said that whilst they were on school premises she and Andrew Channing did not talk much because he was not one of her teachers. However on one occasion he approached her as if he wanted to kiss her and on another occasion he rubbed her leg.
- In her examinations Pupil A managed to get two Cs for science despite the fact she was not in one of the top sets. For her GCSEs she obtained mainly As and A\*s and believes that she did quite well.

- In July 2002 Pupil A told her sister about her relationship with Andrew Channing. This was because she found the relationship hard to cope with. In July 2002 Pupil A was 15.
- At that time Pupil A saw Andrew Channing at least once a week, sometimes twice depending on how many holidays they had. Her sister was 18 at the time and advised her to tell her mother which she did. Her mother then rang Andrew Channing and told him that she knew he was having a relationship with Pupil A. Andrew Channing then hacked into her email account and deleted the messages between them. He knew the password to the foxylllminx account and deleted the correspondence sending her another email saying that they needed to maintain a professional relationship.
- Pupil A's mother said that Andrew Channing had denied the relationship when she spoke to him. As a result of his denial's Pupil A got cross and cut her arms several times. She felt that her mother had ruined everything and that Andrew Channing would not speak to her again. That was the first occasion upon which she self-harmed.
- Andrew Channing suggested to Pupil A that she should only cut herself where people couldn't see. He suggested that the cutting should be done to the tops of her arms and legs.
- After Andrew Channing had denied the relationship between them Pupil A and her friends went out and had a lot to drink. When she returned home her mother phoned Andrew Channing and told him to come round and "sort out his mess". Andrew Channing came round and discussed things with Pupil A, her mother and her mother's boyfriend. Whilst they were out of the room he put his hand between her legs and touched her. This would have taken place in August 2002 when Pupil A was 15.
- After having told her mother of the relationship Pupil A promised her that she would not see Andrew Channing again provided her mother did not report it. Pupil A told her mother that she would not see Andrew Channing until she was 15. Nonetheless they carried on seeing each other as before.
- In August 2003 Pupil A stayed at Andrew Channing's house. She is not sure of the exact date but thinks it is probably at the latter end of the month. She can't remember the specific date which was between 21 August and 27 August. This took place after she had left school. She had told her mother that she and Andrew Channing were going on holiday whereas in fact they stayed at his house and had sex.
- Andrew Channing had told Pupil A that he was living with friends. She saw a wedding dress at the house which he said belonged to a friend. She believed that Andrew Channing was single.
- The relationship between Pupil A and Andrew Channing came to an end in August 2003 after she went to college.

- Following their relationship Pupil A suffered a mental breakdown which she believed was triggered by the fact that she had repressed the memories and couldn't cope any more. She reached the stage where she was too scared to leave her house and decided to get some help. She consulted her GP who put her on medication and signed her off work. Pupil A underwent counselling for 2½ years having sessions once a week. All told she attended 197 counselling sessions.
- At the time Pupil A was undergoing counselling she wished she was dead. It has taken her a long time to deal with the relationship which she now realised was abusive and also realises that Andrew Channing abused his position of power and manipulated her. She now classes the relationship as sexual abuse by a paedophile.

In response to cross examination Pupil A stated as follows:-

- The contact between her and Andrew Channing commenced between 2000 and 2001.
- She started to stay behind with friends at the end of the school day at the end of year 9. She attended an IT club which was involved in designing websites.
- Andrew Channing used to bring in chocolates for her and her two friends. He also told a group that Pupil A looked grown up. Pupil A does not know what he meant by commenting that she looked grown up in her uniform.
- In October 2001 Pupil A stayed behind after an open evening. She cannot recall when it ended but Pupil A obtained a lift home from Andrew Channing. She agreed that it was a normal thing for a teacher to do rather than allowing a pupil to walk home unaccompanied in the dark.
- Pupil A confirmed that one of her friends had said that she did not want to talk to the police when they were investigating allegations of sexual abuse against Andrew Channing.
- She and Andrew Channing knew each other's passwords to their respective email accounts. Pupil A accepted that it was wrong for her to use the word "hacked" when alleging that Andrew Channing had deleted her emails because he had access to her account and she had access to his.
- Pupil A accepted that the emails shown at page 22 were exchanges with a fictional character that she had made up as a child. She said that Simon was a fictional character who was attempting to have sex with her. Pupil A could not remember the specific purpose of the document which she accepted that she had created.
- As far as page 21 was concerned Pupil A said that she had removed it from her emails and cut and pasted it. This was to stop her mother from seeing the email exchange. There was no other record of email exchanges between the Greg Thomas and Sarah Harper accounts.

- When asked why she had cut and pasted Simon's email into what she had said to Andrew Channing (page 26) Pupil A said that she did not remember it specifically because it wasn't important. The exchange was all one conversation and she cannot remember when that took place. Neither could Pupil A recall when she took the morning after pill, she was either 14 or 15.
- The morning after pill had been purchased by her friend, who was a year younger than her from Lloyds at Asda in West Swindon. The reason why she had needed the morning after pill because although Andrew Channing used condoms one had split.
- Pupil A assumed that Andrew Channing had told her to lie down in the back seat of his car because he could get into trouble if she was seen in the car with him.
- Outside Andrew Channing's house Pupil A recalled seeing a wind chime in the shape of a skeleton. This she described as a skull with bones hanging from it as opposed to a skeleton shape.
- Pupil A was unsure how many times she had sexual intercourse with Andrew Channing see paragraph 15 of her statement. This was definitely more than once and she assumes that it took place on two occasions. Pupil A said that she was certain of the date because it was the date upon which she lost her virginity.
- Pupil A said that her mother had not called the police when she became aware of her relationship with Andrew Channing because she was scared that Pupil A would commit suicide. She had cut herself. Her mother had rung the Samaritans. Pupil A accepted that she had a difficult relationship with her mother at times due to her relationship with Andrew Channing. She denied that Andrew Channing and her mother knew each other socially.
- As far as the weekend spent with Andrew Channing in August 2003 was concerned Pupil A said that although she had put 27 August in her statement she wasn't 100% certain that that was the date but remembered spending all weekend with him in his house. She said she couldn't be sure whether their weekend together had started on a Friday or a Saturday.
- The relationship between Pupil A and Andrew Channing ended when he told her that he was going to work elsewhere. The police interviewed him but he did not recall the specific event referred to by Pupil A in her witness statement.
- Andrew Channing had bought Pupil A, a DVD/video player which was a VHS cassette player. He had also bought her two vibrators which she had not wanted to keep. Pupil A said that she had smashed the video recorder.
- Pupil A denied that she had only started sleeping with Andrew Channing after she left school in 2004. She said that her story had not changed since these events had occurred because you couldn't change the truth.



In response to questions from the panel Pupil A stated as follows:-

- She had guessed Andrew Channing's email address at the end of October/November 2001. She recalled the address as being andychanning@hotmail. She did not know whether the end of the address was co.uk or .com.
- As far as the MSN messages contained on page 26 were concerned Pupil A said that she had copied it by highlighting the text then clicking and copying and pasting it into a notepad document. She had also saved it with a file name. Where she had inserted comments with regard to Simon the part which she had inserted could be seen half way down the page "*Liz this is important...*". The document does not consist of one sole conversation.
- When Pupil A obtained the morning after pill she had not been to her GP or clinic. She cannot remember the specific date but would say that she was either 14 or 15.

### **Witness 2 - Witness B**

#### **Former Head Teacher Green Down Community School, Swindon**

Witness B identified his statement contained at pages 24-28, identified his signature and adopted his statement as his evidence in chief. He was not asked any additional questions by the Presenting Officer.

In response to cross examination by Mr Shaw, Mr Channing's representative, he stated as follows:-

- He was concerned because Andrew Channing seemed "over familiar with the pupils". He had witnessed pupils calling him by his first name. He felt that those pupils were taking liberty but despite his concerns took no action.
- Whilst employed at the school Andrew Channing had not been subjected to any disciplinary investigation. In 2002 Child Protection Policies were in place.
- He could not produce a copy of the School Handbook which would have been in force on the dates in question. Child protection presentations only took place at the school from 2002 onwards.
- He recalled receiving a phone call from Witness C who told him that disciplinary proceedings would be followed. He recalled giving Andrew Channing a reference in 2006.

In response to questions from the panel Witness B stated as follows:-

- There was a précis of child protection policies in the staff handbook and it was expected that teachers would be familiar with those policies. There was also a mentoring programme for first year teachers.

- It was usual for pupils to remain behind after the school day to take part in sporting activities. He did not recall whether Andrew Channing offered the pupils clubs but he was regarded by the pupils as very approachable.

## **DAY 2**

### **Witness C**

#### **Principal of the Saint John's Marlborough Academy, Marlborough**

He identified his signature shown on page 54 of his witness statement and confirmed that the contents of that statement as shown in pages 29-54 were true. He stated that Andrew Channing was one of his science teachers and that he had become aware of Pupil A's allegations when he received a phone call from the Council's HR department in May 2010.

On 7 June 2010 Andrew Channing was suspended once Witness C had learnt of his arrest. His suspension had taken place on the advice of the HR department. However he took no action until the police investigation was concluded. He was then tasked with investigating three separate allegations as detailed in paragraphs 20(a-c) of his statement. Page 92 contains his final report.

During the internal investigation Mr Channing's representatives had raised a few technical points which had led to the hearing being adjourned. The outcome was that the panel had concluded that the allegation of inappropriate sexual conduct was not proved beyond reasonable doubt but that Andrew Channing had failed to consider sexual boundaries. Allegation C was found proved. The advice which Witness C had received from HR was that Andrew Channing should remain in post.

Witness C had not seen exhibit 20 at page 14. When he had started the investigation certain documents had been made available to him but he had started to search more deeply. Witness C believes that he was aware of the document shown on page 25 namely the MSN instant messenger.

In response to cross examination from Mr Shaw, Witness C stated as follows:-

- During his investigation he had liaised with Individual D the senior HR officer.
- Looking at the evidence of Pupil A's grades he did not believe that she was under performing. Pupil A did not attract any additional support from the school.
- The poem shown at page 37 was not put before the Governors because Witness C was trying to keep the matters, in respect of which Andrew Channing had been charged, clear and separate. The relevance of the poem was that it was a reflective of Andrew Channing's state of mind, notably reference has been made in the poem to "cutting".
- Witness C took the view that it was not a productive line of enquiry to investigate the source of the poem more deeply. It was not part of his remit to look at Andrew Channing's state of mind.

- Witness C said that it was not the right thing for Andrew Channing to be involved with Pupil A. He was aware of another situation where a relationship had occurred between a pupil and member of staff who had married shortly afterwards.
- It was not within Witness C's remit to comment whether Individual E, the former Head Teacher at Green Down School, was a good Head Teacher.
- Witness C confirmed that as far as Pupil A's mother's phone call to Andrew Channing was concerned paragraph 73 contains an abbreviation of "please come round and sort out". Witness C does not recall having been provided with specific diaries he thought that these were in the police's possession. He confirmed that paragraph 86 definitely made reference to a DVD player and also that Andrew Channing had become evasive and refused to provide contact details.
- Witness C said that he was not party to the Governors' decision and that it had not been his intention to add information which hadn't been considered by the panel with the intention to smear Andrew Channing.

In response to questions from the panel Witness C stated as follows:-

- His philosophy behind his investigation was to take the set of accusations and try and understand whether or not the allegations were valid. He then needed to establish facts and to make judgments on where to go next. Children in "our care need to be protected".
- Andrew Channing had started work as a Physics and Science general teacher at the Academy. He had experience as a head of year and was promoted to look after about 240 children. Prior to these allegations Witness C had no concerns with regard to Andrew Channing.
- As far as legal advice provided to the Governors, Witness C stated that they were advised that the test to be applied was beyond reasonable doubt. Witness C was not present at the time the Governors received that advice.

In response to re-examination from Ms Binding Witness C responded as follows:-

- He denied trying to smear Andrew Channing and accepted that sexual relationships between teachers and pupils point to systemic problems in a school and something that schools fear above anything else.
- With regard to the poem referred to in his statement entitled "raped" Witness C said that he did not volunteer the information concerning the poem, it was put in his witness statement and there had been no intention of smearing Andrew Channing.
- Witness C said that the information contained paragraph 57 on page 193 namely the interview with Pupil A, contained information coming from a distillation of the interview which had taken place.

- Witness C said that Andrew Channing was evasive about his friendship with Pupil A's mother, he did not provide him with the names of any witnesses after he had spoken to him concerning the allegation and when asked for specifics they were not forthcoming. The only statement with which he had been provided was one from Individual F to the effect that Andrew Channing knew Pupil A's mother.

### **Andrew Channing**

Andrew Channing gave evidence he adopted the contents of his witness statement at pages 128 of the teacher's bundle of evidence which he confirmed were true. In addition to his witness statement Andrew Channing stated as follows:-

- He had qualified in 2000 and when working at Green Down School was assisted by two technicians. There was a rule that pupils were not allowed to eat in classrooms and he was given a small science office which he shared with Individual G in his second year. They were also permitted to use the room as a social room.
- He had heard that a member of staff had had a relationship with a pupil which had continued and culminated in their marriage in 2004.
- When he moved to Swindon he had spent weekdays on his own and because he was socially isolated tried to make local friends which he did with two of the teachers. He latched onto a neighbour who was very sociable before meeting Pupil A's mother. She was not keen on staying out late in the evening so Andrew Channing would walk her to her car and on occasions she would offer him lifts home.
- He had offered Witness C, in a letter which he sent at page 419, details of witnesses and tried to provide mobile phone numbers and addresses which he had struggled to do. For example one had changed their name.
- As far as his interactions with Pupil A at the school were concerned he did not recall any interaction with her between 2000-2001. Between 2001 and 2002 he learnt that Pupil A was his friend's daughter. On that basis he asked her if she wanted a lift because he didn't want her to walk home alone in the dark.
- Andrew Channing joined a working party to design a web page at the school but really struggled with the software. His tutor group asked if they could help him and they were quite excited about the project. He spoke to the Head of Department and then agreed to run the club. Pupil A did not come into his room in 2002 or 2003.
- Andrew Channing had picked up lots of missed calls from Pupil A's mother, she was increasingly distraught asking him for help. When they had gone out she had discussed problems with Pupil A. It did not seem strange that she was phoning him and following a conversation with his wife, mother-in-law and father-

in-law Andrew Channing decided to go round to Pupil A's house and check up on her.

- When he arrived at the house he was let in by Pupil A's mother, Andrew Channing assumed that he was there to diffuse the situation between Pupil A and her mother's boyfriend. He did not touch Pupil A as alleged.
- The following Monday after visiting Pupil A at her home Andrew Channing told the Head of Year who spoke to Pupil A's tutor who advised that it should be minuted to go onto the pastoral team minutes.
- Andrew Channing had previously received a telephone call from Pupil A's mother accusing him of having a relationship with Pupil A. She had asked him what was his relationship with her daughter. She also asked if he had been e-mailing Pupil A or if she had been sending photos of older women. Andrew Channing told Pupil A's mother that he wasn't having sex with her daughter and told her to report the allegations to the school if she thought that was the case. He then received a text from Pupil A's mother saying that Pupil A had admitted making up the email addresses. Pupil A's mother subsequently apologised saying that she had taken the phone away from her daughter and taken a computer out of her bedroom.
- I referred it on to cover my back. Pupil A's mother was happy with the situation knowing her daughter was making things up. On the morning of Meet the Mentor day I went straight to Individual G (pages 184-186). He said to tell Pupil A's mother to "piss off" he then walked off. I spoke to another individual who said that all he had to do was to make the parent aware which she was and to give Pupil A "a bit of a bollocking".
- After Pupil A left the school they continued emailing each other which went on into 2004. On the basis of discussions with Pupil A's mother who told him that her daughter was looking for somewhere to rent Andrew Channing offered to show Pupil A round a house which he had available as a rental property. At that time life for Andrew Channing was very stressful his wife was ill as she was a diabetic with thyroid problems. In Christmas 2004 his wife was admitted to hospital and Andrew Channing was exhausted. He was under a huge amount of pressure and his relationship with his wife meant that his role was more that of a carer.
- When Pupil A arrived at his house he took her inside and made some food with her. She offered to show him some of her emails. At that stage Pupil A became very flirty and they had sex. He had no other sexual contact with Pupil A.
- On 27 December 2001 Andrew Channing used to spend Christmas day with his parents and Boxing Day he went to an aunt's house in Frome. On the day after Boxing Day they went to Individual H's house where they had a large meal which lasted until the middle of the afternoon. He then played computer games with his cousin. At the latest he arrived at Individual H's house at 1300 hours. Both his parents and aunt had given statements during the investigation to the police. Andrew Channing did not have sexual contact with Pupil A on that day.

- On 14 February 2002 Andrew Channing and his parents built a garden shed. He asked his parents to assist and it was the first dry day for some weeks. At that time his wife was working over the road so she would have left home at 0850 and returned after 1700. His parents would have brought the evening meal which they would then have eaten together when his wife returned home. At the most Andrew Channing said he would have been alone in the house for 0.45 minutes. He denied the allegations made by Pupil A.
- Andrew Channing made reference to documents in relation to 26-27 July 2003. These documents being a bank statement. He recalls driving with his wife and two friends to Norfolk. They left at 10.30 on Saturday and left Norfolk at 1255 on Sunday.
- In August 2003 Andrew Channing was camping with his family in Buxton. They had taken his niece camping and decided to stay an extra night. He used his credit card on 1 August to visit a tourist attraction.
- On 09-10 August 2003 (page 404) a university friend had invited him to stay the night. He had filled up at the Esso Garage with petrol.
- On 16 August 2003 (which is referred to in the statement of Individual I at page 405) it was his niece's birthday party which Andrew Channing attended. It was a Saturday and he would have left home just before 11.00am.
- On 22 and 23 August Andrew Channing recalls using his debit card at Asda in Hayden on the Friday evening of 22 August. He went to the Cotswold Wildlife Park entering at 1406 and staying until it closed.
- On 25-26 August this weekend is referred to in the statement by Individual J at page 399. He is a longstanding friend of Andrew Channing and on this weekend he was in Newquay with him and they drove back on the Friday because Individual J lived in Bristol. Andrew Channing stayed with Individual J at his house on Friday and then Individual J returned with him to Swindon and stayed the night with him.
- There was no other time in August when Andrew Channing could have spent the night with Pupil A.
- As far as the NCTL's documents were concerned Andrew Channing stated that in relation to exhibit 20 he never used either of those email addresses, he was not off sick during March 2002 and had never seen the documents at pages 271-273. Neither had he seen the text at page 21 which had been saved by Pupil A. additionally he had not seen the documents at page 22 and had never used the words feareemptinessanddespair as an email address.
- Andrew Channing had never been on a 10 week sailing course. He had not owned a boat and had no cousins with yachts. The conversation which had been shown on MSN was not with him.

- He had accepted a written warning because he didn't want another full hearing. He had admitting touching students despite Witness C telling him not to.
- As far as page 396 in the main bundle of evidence was concerned Individual K was one of the technicians. None of the members of staff at the school had seen Pupil A and her friends take their lunch with Andrew Channing.
- There was nothing skeleton like hanging outside his house, his neighbour Individual L (page 402) had never witnessed young women at the property. At that time Andrew Channing drove a silver Skoda.
- Page 404 Individual M - Andrew Channing had met him at university and he had stayed overnight on 9 August.
- At page 405 Individual I is his sister-in-law and Andrew Channing took her eldest daughter camping before 1 and 5 August 2003.
- On 16 August 2003 he attended the birthday party of one of Individual I's daughter.
- Andrew Channing agreed with what his mother had to say at page 407 and what his father said at page 409.
- So far as 410 is concerned Individual F is a friend whom Andrew Channing first met in Swindon between 2000 and 2001. He agreed with her statement as he did the statements of Individual Hat page 412 and of Individual N at page 413.
- The poem referred to by Witness C in his statement was based on two songs.
- Andrew Channing was arrested in June 2010 and taken to a cell where he was left for some hours. He then saw a solicitor before being led into an interview which lasted until the early hours of the morning. He was then allowed to sleep before being woken up at 1030 the following morning where he was interviewed in more depth. In October 2010 he was told that the police intended to take no further actions.
- With hindsight Andrew Channing accepted how his actions had led him here today. Now he had no interaction with pupils but accepted that in 2004 he had slept with Pupil A.

In response to questions from the Presenting Officer Andrew Channing stated as follows:-

- The poem referred to in Witness C's statement is something he had written about a friend of his who had suffered male rape.
- Andrew Channing did not accept using a Stanley knife on Pupil A, he accepted that when interviewed by the police about the poem he had not mentioned male rape because the officer had read an edited version to him which he hadn't seen

in 15 years. Andrew Channing denied having constructed a story about male rape to explain the poem's content.

- Andrew Channing accepted that there was a similarity between the poem he had written to his wife where he had mentioned the words "emptiness and despair" to the MSN account namely "feareemptinessanddespair". Andrew Channing said that he did not enjoy masochistic sex.
- His first contact with Pupil A had not been between 2001 and 2002 when there was hardly any contact and he didn't know who she was. He refutes that Pupil A ever had lunch with him.
- Andrew Channing accepted that he had told the police (page 150 police interview) that he had given Pupil A a couple of grapes.
- As far as Pupil A's performance as a student was concerned most subjects she was ok but science was a big issue for her. When Andrew Channing had stated previously that Pupil A had "attracted a lot of attention because she was under performing" - he did not accept that was a sweeping statement because he had been called upon to recollect events which had happened seven years previously. His response was not designed to undermine her credibility, when questioned he was providing honest answers to the police.
- Andrew Channing, when asked whether he had taken it upon himself to take Pupil A under his wing responded that if he did it was because "I was worried about her". Andrew Channing said that he had passed Pupil A to another member of staff, spoken to her tutor on numerous occasions. By using the words "taken her under my wing" all Andrew Channing meant was that he had passed her on to Individual O.
- Andrew Channing had offered Pupil A a lift whilst she was walking across the school car park.
- When asked whether he had contacted Pupil A's mother before giving her daughter a lift, Andrew Channing said that he did not have her mother's number and was "foggy" as to whether Pupil A had rung her mother or had said to him that her mother had asked her to get a lift home from a member of staff. Nonetheless Andrew Channing said that Pupil A had given him the impression that her mother was happy for her to have a lift home.
- Andrew Channing did not dispute that he had received emails from an account in the name of Sarah Harper. The contact had come about because he had been to a conference where he had been asked to provide details of his email address. When he had returned home he had found an email from Sarah Harper claiming that she had been on the course with him. He subsequently realised that the email address was fake.
- When asked how Pupil A was to know that Andrew Channing had given out his email address at the conference he responded that he did not know, the email



had simply said “hope you had a lovely day”. Andrew Channing had believed that it was from someone who had been on the course.

- When asked why he had given two different accounts of the course (page 133 and page 257) Andrew Channing said that the Centre did not open until 2003, he had assumed that he had attended a course there. When questioned by police and subsequently checking his diary he found that the course had taken place at Marsh Farm.
- Andrew Channing accepted that Pupil A had pretended to be an English teacher called Sarah Harper. When questioned by the police about their email exchanges Andrew Channing said that he became confused. To the best of his recollection their email exchanges were for a shorter period than he had initially realised. He had been wrong when he had told the police that the conversation between him and Sarah Harper had gone on for many months (page 133-134). He had been told in interview that the conversation between them had started in October 2001. When it was put to Andrew Channing by the presenting officer that at no point he had said that emails had started in 2001 he said that the interview transcript which had been provided was not a full account and that he would not have plucked the date October 2001 out of his head. He did not accept that email contact between them had been over a period of many months. The police had tried to intimidate him when interviewing him.
- When asked why it was odd for him to have email contact with someone he didn't know, Andrew Channing replied that social networking was important and at that time he used Hotmail. When asked how a 14 year old girl could have fooled him into thinking that she was an English teacher Andrew Channing replied that having met the English department at a school in Aberdare he discovered that although they may be mature in years they were not in mentality. He thought the opportunity of communicating with Sarah Harper was a chance to network. At that time he was not wary of giving strangers his mobile phone number.
- When asked why he had used the word “accuse” when questioned by the police concerning Pupil A's mother's allegation of an improper relationship Andrew Channing responded that that was the way in which the police had phrased the question. He recalled that the police asked him “did she accuse you”. Andrew Channing said that he was not happy with the allegation and accepted that it was illegal for him to have had sex with a child below the age of 16. In any event he had reported the conversation he had had with Pupil A's mother with Individual G. Andrew Channing accepted that Individual G had not come to give evidence but stated that this was because he had not been contacted by the NCTL.
- Andrew Channing accepted that he had not told the police that he knew Pupil A's mother. He had only answered what was put to him because he did not know what the accusations were. He is aware of the fact that when asked Pupil A's mother and her boyfriend denied knowing Andrew Channing at all. Andrew Channing described Pupil A's mother as being neurotic and thought it normal that she had asked him to go round and sort her daughter out.

Ms Binding made an application to adduce additional evidence at pages 146, 178 and 180. She said that this application was fair to Mr Channing because the documents were not new being part of documents which had already been produced. There was therefore limited prejudice to Mr Channing whose representative would have the opportunity of taking instructions.

In response, Mr Shaw stated that he was not aware of Mr Channing having seen the documents and that in any event Mr Channing had now given evidence in chief. The pages of the documents had come to light from part of the cross examination and were being presented at a late stage.

In response Ms Binding stated that the panel bundles had been prepared from a core bundle and that there had been a photocopying error. Nonetheless full documents would have been sent to the legal representatives. Mr Shaw accepted that information had been sent to his office in advance of the hearing but to an address in Exeter. The bundle which had been addressed to him had pages missing.

The Panel decided in the interests of justice to admit the documents which Ms Binding asked to be adduced in evidence. The Panel then adjourned to allow instructions to be taken from Mr Channing in respect of those additional pages. Upon reconvening Mr Shaw applied to play a DVD which was mentioned on page 10 of the Teachers Bundle of Evidence. Arrangements were then made for the DVD which showed the inside of Mr Channing's house to be shown to the Panel.

Mr Shaw was then permitted by the Panel to examine Mr Channing in chief in respect of the additional documents served by the NCTL. In response to those additional questions Mr Channing responded as follows:-

- Pupil A would have visited his second house twice and one occasion she would have stood outside.
- The context of those visits was that in March 2003 he was outside the house when he saw a child sitting at the bottom of the path. Although initially he took no notice he then realised that that child was Pupil A who had had an argument with her father. Andrew Channing phoned for a taxi and paid the driver the fare.
- On the second occasion Pupil A was on study leave in 2003 and arrived at his house with a bag saying that she was coming to do some revision. She said that her mother had dropped her off. At that time Andrew Channing's wife was upstairs and became very stressed. Pupil A told Andrew Channing that her mother was coming to collect her and when her mother didn't arrive Andrew Channing asked Pupil A to leave.
- The final occasion that Pupil A came to Andrew Channing's house was in 2004 which was an incident which had already been discussed. That house was smaller than the one at 73 Matley Moor. Andrew Channing had moved in August 2000 and lived at that address until 13 December 2002. He had owned the house until 2007 and rented it out. On 13 December 2002 Andrew Channing and his wife had moved to 47 Matley Moor which is a larger house.

- His house had been filmed by Watchdog at the time that the filming had taken place the wardrobe was on the left and a DVD had been purchased for his then girlfriend. Watchdog had carried out filming on 14 December 2001. Although Pupil A had claimed to be at the address with Andrew Channing on 27 December 2001 her descriptions of the layout of the house are incorrect. There was no futon sofa or dining room table. Everyone at school knew that Watchdog had filmed following Andrew Channing's complaint that a wardrobe which had been delivered was missing knobs. Pupils at the school also knew that Andrew Channing kept chinchillas which the police had asked him about.

Ms Binding then returned to her cross examination of Andrew Channing who stated as follows:-

- Andrew Channing's recollection was that he and Sarah Harper exchanged emails for between two to three weeks. When he had told the police that he was chatting over the internet for a long time (page 133) he was struggling with times and dates. The reason why he gave that particular account to the police was because he had been taken from his house without warning and been told by his solicitor that he had to co-operate or risk being remanded in custody. He had been warned that if he didn't answer questions he may be kept in custody.
- When asked why at page 259 in his interview with Witness C he had given a different account of his email exchanges with Sarah Harper, Andrew Channing replied that when questioned by the police he was very disorientated given that the interview under caution was taking place in the early hours of the morning.
- Pupil A's mother had obtained Andrew Channing's mobile phone number from her daughter the night after she had phoned him after having confiscated Pupil A's phone. They had never communicated via mobile phone although he had attended a cinema and bingo with her. In those days mobile phone communication wasn't so easy and the phone he had at that time only held 10 text messages.
- Andrew Channing confirmed that when interviewed by the police he had been asked whether Pupil A's mother had asked him whether he was having a sexual relationship with her daughter. The police had used the word "accused" when they put to him that Pupil A's mother had accused him of having a sexual relationship with her daughter, Andrew Channing said that the police were using a lot of terminology with which I was not familiar. He was unguarded when he had used the word "accused" because Pupil's A's mother had not accused him. The police had suggested that Pupil A's mother had phoned his mobile.
- When Andrew Channing had arrived at Pupil A's house he did not form the view that Pupil A was intoxicated. There was a good three to four hours that had elapsed since he had received the initial phone call from Pupil A's mother and his response.
- It was put to Andrew Channing that according to his interview with the police (page 144) Pupil A had been "very, very drunk". Andrew Channing said that he was simply recounting messages left on his phone by Pupil A's mother. He had

no specific recollection of Pupil A's condition and had to read Individual P' statement to jog his memory.

- It was suggested to Andrew Channing that when he was interviewed by Witness C he had said (page 264) that Pupil A was very drunk. Andrew Channing said that he had made that comment because Witness C had "grilled me for three and half hours". It was hard for him to know exactly why he had been investigated and he had been told by his Union representative that he did not need to do much planning for the meeting with Witness C.
- Andrew Channing was asked whether the Panel could rely upon anything he had said in any of the interviews. Andrew Channing responded that he was providing evidence of his inconsistencies. He had tried his very best to give a truthful account to the police. By the time he had got to the third interview his solicitor had told him that the police were trying to scare and intimidate him.
- Andrew Channing was asked whether he had gone to Pupil A's house because her mother had threatened to report their relationship. He responded that he had asked Pupil A's mother to report her conversation to the school and that he had nothing to hide by going round to the house. Pupil A's mother had not said "sort your mess out" to Andrew Channing, she had asked him for help.
- When asked about Pupil A's sudden appearance outside his house Andrew Channing replied that it was not unusual to see pupils around his area as some lived close by. She had come to the house to ask for tutoring. He had agreed to provide tutoring in principle but said that he needed to speak to her mother first.
- Andrew Channing was asked why he had agreed to tutor a pupil where there had been a significant incident namely an allegation of a sexual relationship and his visit to her house. Andrew Channing replied that he didn't agree to tutor Pupil A and told her that he needed to speak to her mother. When asked why he had said earlier in evidence that he had agreed in principle Andrew Channing said that he needed to be given a breathing space in order to consider his reply.
- Andrew Channing was asked whether he had agreed to give Pupil A two hour revision sessions subject to the presence of her mother replied that her mother had to be there because he was no longer in a position of trust. He did not want sole contact with Pupil A without her mother being present.
- Andrew Channing stated that there had been no other email/text contact with Pupil A apart from those mentioned earlier.
- Andrew Channing confirmed that he was also in contact by text with the daughter of a School Governor.
- When asked when he first had sexual intercourse with Pupil A Andrew Channing said he was unable to obtain a specific date. Witness C had asked him for all his bank/credit card statements which he was unable to obtain at the time. However, if he were able to give a broad guess it would be that this had taken place early in June 2004. He thought that sexual intercourse between them had occurred

approximately then because it would fit with tenants moving out of the property. He recalled wearing shorts and Pupil A sitting in the garden.

- It was suggested to Andrew Channing that there were discrepancies in his evidence to which he replied that the police had told him that the relationship with Pupil A had ended in August 2003 upon receipt of that information he had printed off his bank statements. Pupil A had changed the dates from 02 to 03. The discrepancies in his evidence related to 2002.
- In the second interview Witness C had picked up what Andrew Channing had said during the first interview. He had told Witness C that Pupil A did not spend the weekend in his house. When he was questioned about this he was trying to clarify the situation in the police interview (page 158) he had said that Pupil A had told her mother that he was going to Wales. That was the last relationship the police referred to. Pupil A in her statement to the police claimed to have spent the weekend at Andrew Channing's house in August 2002. Page 105 is a table prepared by Witness C. Andrew Channing accepted that Witness C was questioning his consistency.
- Andrew Channing was asked how Pupil A, with whom he had not had much contact with, had discussed renting a property from him. Andrew Channing replied that he had a conversation with Pupil A and her mother and an empty house to rent.
- Andrew Channing said that it was not unusual that he made an arrangement for Pupil A to come and view the empty house. Neither was it unusual that arrangements had been made for them to meet at an MFI car park. When he had picked Pupil A up she had got into the back of the car without him asking her to do so. She did not lie down straight away. A lorry pulled up alongside and she ducked down onto the back seat.
- Andrew Channing was asked whether the event which he had described above raised any alarm bells. He replied that Pupil A had been seen by many people anyway, maybe she was just reacting to having a big object next to her. Andrew Channing did not question it, neither did he make any attempt to hide Pupil A.
- Andrew Channing was asked whether it seemed strange to pick Pupil A up from a fairly secluded car park to have her get into the back of a vehicle and lie down. Andrew Channing said he did not accept that the car park was secluded because there was activity in that area.
- Andrew Channing confirmed that he had had sex with Pupil A in a main bedroom which had followed Pupil A being flirtatious towards him by being touchy feely, giggling and trying to lean into him. He accepted that he did not push her away. Andrew Channing said that he did not video or take photographs of Pupil A, the only time when he had done so was when she was sitting in front of a computer and they were messing about. She was showing him emails. Andrew Channing then videoed her at that time she was fully dressed and was also moving the camera round. In 2004 when Pupil A was 17 Andrew Channing confirmed that he was 29 being born in 1975.

- Andrew Channing said he recollected discussing with Pupil A topping up her mobile phone. It was put to him that in previous accounts given to the police and Witness C Andrew Channing had said that when they had had sexual intercourse he topped up Pupil A's mobile phone by using his credit card. Andrew Channing said that he did not know whether the transaction went through or not.
- Andrew Channing said that on December 27<sup>th</sup> (page 392) he was at his aunt's house and that his wife was at work that day. Andrew Channing confirmed that the 14<sup>th</sup> February was during half term week. This was when his parents helped him construct the garden shed. Andrew Channing denied asking his parents to provide him with an alibi. He had spent a lot of time going round family and friends getting them to look at diaries/calendars.
- Andrew Channing confirmed that the bank statement shown at page 421 was in respect of a joint account with his wife. He confirmed that both he and his wife had their own bank cards and that entries in the statement could have been either him or his wife.
- Andrew Channing confirmed that his wife went camping with him.
- Andrew Channing stated that with regard to the weekend of 6 August the first entry in his bank statement shows 1248 on Saturday whilst the next entry on 17 August is in respect of a DIY store in Swindon at 1604. It was suggested to him that in terms of those statements there was nothing to confirm where Andrew Channing had been on the Friday evening. Andrew Channing said that he had been with his wife to a party. He said that his wife was with him and that there was a statement from her.
- Andrew Channing was asked about the weekend of 22-23 August 2003 the bank statements show that a debit card had been used in respect of shopping in Swindon on the evening of the 22<sup>nd</sup> August at 2010 hours at Homebase. Andrew Channing replied that one of us (meaning him and his wife) was at Homebase at 20:10 and then at Asda at 20:50.
- Andrew Channing was asked about a transaction on 23 August 2003 for the Cotswold Wildlife Park at 1406. He referred to his wife's statement at pages 303-305 where she recollected being at the wildlife park. It was put to Andrew Channing that his wife had not specifically said in her statement that she recalled being at the wildlife park. Andrew Channing replied by saying that his wife had written the statement knowing that it was correct.
- Andrew Channing was asked about the weekend of 22-23 August 2003. He was unable to confirm whether the Friday would have been the 22<sup>nd</sup> August. It was suggested to him that there was no evidence in the bank statements as to what Andrew Channing was doing from 14:06 hours on 23 August until the Monday morning. He replied that evidence could be inferred and that his wife had been with him on the Saturday evening. It was suggested again to Andrew Channing

that there were no entries in the bank statement for the Saturday or Sunday which he confirmed.

- As far as the weekend of 29-31 August when Andrew Channing stated that he was with his friend Individual J he confirmed producing a bank statement to the police showing that he had been in Swindon on the Saturday night.

In response to questions from the Panel Andrew Channing stated as follows:-

- He used the IT room very rarely at lunchtime and the incident which was referred to by Pupil A when he gave her some grapes was one of the few dates that he was in there. Pupil A was helping him with IT.
- There was a massive contrast between the expectations regarding sexual contact between pupils and students at Witness C's school as opposed to Green Down School.
- Once a student goes on study leave they are no longer the responsibility of the school. The official leaving date being 1 September. At that time Andrew Channing thought that once a student had left that was it.
- He and Pupil A's mother were acquaintances. They had discussed Pupil A. Andrew Channing's wife knew that he knew Pupil A's mother. After receiving messages from her on his phone Andrew Channing had a conversation with his in-laws in the presence of his wife. He was unable to remember whether his family knew that Pupil A's mother had asked him if he had had sex with her daughter. He knew that his parents had come to help him build a garden shed on 14 February. It was a bitterly cold day, his mother had not been working and had rested the day before. When asked why his wife had not given evidence Andrew Channing said that she had taken legal advice and been advised that as Witness C was trying to pin something on him she should not attend.

In response to re-examination by Mr Shaw Andrew Channing stated:-

- He had purchased sweets to hand out as prizes to pupils.
- He had not asked anyone to lie on his behalf and that his family were aware of the implications of the case.

### **Closing Address**

Prior to addressing the Panel the parties handed in a document entitled Agreed Statement of Facts – ii) in which the parties accepted that the following dates in August 2003 were Saturdays and Sundays:

2 and 3 August  
9 and 10 August  
16 and 17 August  
23 and 24 August  
30 and 31 August

The panel were also reminded that at the hearing on 13 March 2013, the parties had agreed the following statement:

*“By virtue of the prescription only medicines (human use) amendment (number 3) order 2000, as of January 1<sup>st</sup> 2001, Levonorgestrel (the “morning after pill”) was available for sale without prescription for women age 16 and over”.*

Ms Binding stated that the burden of proof was on the Presenting Officer standard of proof being on a balance of probabilities. The case “boiled down” to the word of one person against another. There had been no witnesses to the alleged sexual contact between Mr Channing and Pupil A. The primary source of evidence was Pupil A’s oral account.

Ms Binding submitted that there was no reason why Pupil A would have fabricated the allegations. She had made a decision to go to the police aged between 23 and 24 and report allegations of sexual abuse. In doing so she had put herself through a gruelling process which entailed the lengthy police investigation and subsequent hearing before the NCTL. Ms Binding further submitted that there are a number of ways in which the Panel could be assisted in assessing Pupil A’s credibility/plausibility. The Panel were asked to consider whether appropriate concessions were made by Pupil A, whether the evidence she had given was consistent and to carry out an assessment of the content of the narrative in general. Ms Binding submitted that Pupil A had made a number of concessions, some of which were telling, in particular, her evidence concerning the MSN documentation. As far as Mr Channing was concerned the Panel should question whether he had made the types of concessions which would be expected of an honest and reliable witness. Had Mr Channing accepted that there are aspects of his behaviour which may have him open to criticism? For example, Mr Channing’s visit to Pupil A’s home when she was intoxicated and his contact with her by text messages. Had Mr Channing attempted to deflect the blame on Pupil A, her mother and the school?

Ms Binding further submitted that Pupil A’s evidence had been consistent throughout especially with regard to times when she allegedly ate lunch with Mr Channing, exchanged emails with him and when her mother accused Mr Channing of having sexual relations with Pupil A.

As far as the narrative in general was concerned, Ms Binding asked the Panel to consider whether Mr Channing’s evidence was plausible. He had given an account of email exchanges between him and a person who he had met whilst on a course that person subsequently turned out to be a fictional person. Miss Binding submitted why should Mr Channing maintain contact with someone, allegedly he had met on the course but did not remember? Furthermore, Mr Channing chose to respond to Pupil A’s mother’s requests by visiting Pupil A at her house whilst she was intoxicated. It was despite the fact that Pupil A’s mother had accused Mr Channing of having a sexual relationship with her daughter.

As far as the morning after pill was concerned, Ms Binding stated that at the time the morning after pill was not available to a pupil under the age of 16 without



prescription. However there was no evidence as to how old Pupil A or her friend looked at the relevant time. As far as evidence given by other witnesses was concerned it was hearsay evidence which had been untested under oath and/or may therefore feel that type of evidence carried less weight than oral evidence. As far as Mr Channing's evidence was concerned he had relied upon DVD evidence in respect of the layout of his house at the relevant time and also relied upon the contents of bank statements and signed witness statements. However, his credit card use would not have shown up on a bank statement, Mr Channing having said in response to cross-examination his wife did not possess a credit card. None of the witnesses who had given statements to Mr Channing's representative had come to give evidence on oath before the panel and therefore it had been impossible to test their accounts by cross-examination.

As far as unacceptable professional conduct was concerned, Ms Binding submitted that were the Panel to find the allegation approved it would then be a matter for the Panel's professional judgment as to whether Mr Channing's behaviour constituted unacceptable professional conduct.

In his final submissions Mr Shaw reminded the Panel of the allegation contained in the Notice of Proceedings and stated that as far as Mr Channing's comment Pupil A that she looked grown up in her school uniform was concerned that had been made to a whole group of pupils and not to Pupil A in particular.

Furthermore Mr Channing had admitted giving Pupil A lift home from school one evening after dark out of concern for her welfare. In doing so his actions were those of a teacher ensuring the welfare of students. Pupil A had exaggerated the relevance of Mr Channing's actions and had developed a school girl crush on him.

As far as email exchanges were concerned these consisted of fragments of emails which had been retrieved from a computer which had been subjected to a virus many years previously. Mr Channing had always denied knowing anything about an account in the name of Greg Thomas. Mr Channing did accept having limited contact with a person who styled herself as Sarah Harper believing that individual to be a teacher whom he had met on a course. Pupil A had admitted that in email exchanges she had made up a fictional character who she said was alleged to be a teacher who was "trying to chat her up". Text documents consisting of summaries of emails which had existed on her computer had been produced, Pupil A had saved this text document in word. No electronic versions of the relevant email exchanges had been provided. Mr Channing's computer had been seized when he was arrested and no evidence from his computer had ever been produced.

Mr Shaw then spent some time in answering the specific allegations made by Pupil A in her important memories document which Mr Channing had also spoken of during his examination in chief. In his final submissions Mr Shaw stated that it was clear from the evidence that Pupil A had a difficult relationship with her mother who had denied being friends with Mr Channing. Pupil A could be described as a very disturbed young woman with whom Mr Channing had had sexual relations in 2004 after she had left the school. That particular time frame did not cover the allegation as described in the Notice of Proceedings.

## **F. 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. We have also read the additional documents which were produced during the course of the hearing.

It is alleged that Mr Channing is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

Whilst employed at Green Down School, Swindon, he, between December 2001 and August 2003 had an inappropriate relationship with Pupil A whilst she was between 14 and 16 years old.

The above allegation follows disclosures made to the police made by Pupil A in 2010, concerning an inappropriate relationship with a former science teacher, Mr Andrew Channing whilst she was a pupil at Green Down School in Swindon between the years 2001 to 2003.

At the start of the period in question Pupil A was in years 9 at the school and she alleged that during the three years she had a sexual relationship with Mr Channing. Pupil A received counseling in 2010. She made the decision to go to the police because of the impact of the relationship on her wellbeing and also out of concern for his current pupils.

### Findings of fact

In determining this matter the Panel first considered the areas of agreement between the parties which are summarised below:

Whilst Pupil A was a pupil in Year 9 she had undertaken project work at the school under the supervision of Mr. Channing.

Mr. Channing accepts that on one occasion he shared part of his lunch with Pupil A

Following a parents' evening in October 2001, Mr Channing gave Pupil A a lift home.

Pupil A entered into email correspondence with Mr. Channing which continued for a period of time. When the email contact was first established Pupil A was using the name Sarah Harper.

Pupil A's mother made contact with Mr Channing in July 2002 after having discovered that her daughter was in contact with Mr Channing. She asked him whether he was having a sexual relationship with her daughter which he denied.

Mr Channing was subsequently asked by Pupil A's mother to go to their house in August 2002 which he did.

On a date unknown Mr Channing collected Pupil A in his car from an MFI car park. During that journey Pupil A lay down on the back seat of the car at some point in order to be hidden from view. Subsequently, Mr Channing and Pupil A entered Mr Channing's house where sexual intercourse took place. During the visit to the house Mr Channing admitted taking a photograph of Pupil A using his webcam. There is some uncertainty about the date upon which this occurred. Pupil A alleges that this took place in August 2003 when she had finished her GCSEs. Mr Channing has given a number of dates in his police and other interviews that this took place ranging from August 2003 to May/June 2004. In his oral evidence to the Panel he claims this took place in May/June 2004.

Pupil A visited Mr Channing's home on more than one occasion for tuition for her GCSE examinations.

Having considered the agreed facts and the other evidence we have made the following findings of fact:

We are satisfied from the evidence that there existed an inappropriate relationship between Mr Channing and Pupil A during the dates in question when she was between 14 and 16 years old. We have reached that conclusion for the following reasons:

We found Pupil A's written and oral evidence to be both consistent and credible. In making that assessment we noted her willingness to make concessions whilst giving evidence. We were of the opinion that Pupil A's motivation in coming forward was to resolve the trauma she had experienced and to protect other pupils. Making these disclosures, which were of an intimate and highly personal nature, was stressful and potentially hurtful to herself and other family members.

The Panel was concerned by the inconsistencies in the accounts which Mr Channing gave to the police, the school investigation and in his evidence to us. We find his explanation for his actions to be implausible. In particular, we find it difficult to comprehend why, after having been accused by Pupil A's mother of having a sexual relationship with her daughter, he then, at the request of the mother visited Pupil A at her house whilst she was intoxicated and subsequently provided private tuition for pupil A at his home. We note from the written evidence of Individual D, the head teacher at the time and from the oral testimony of his deputy Witness B that senior management at the school were unaware of either the allegation or the visit to the house. We do not find Mr Channing's actions as described above to be consistent with the behavior of a member of staff who had been wrongfully accused of sexual misconduct with a pupil.

Pupil A alleged that she lost her virginity to Mr Channing on 14 February 2002 when aged 14 and that there had been regular sexual contact thereafter. In her oral evidence she told the Panel that Valentine's Day was 'forever etched on her memory'. The Panel found her oral evidence compelling. Mr Channing presented evidence to suggest that he and his parents had been erecting a shed in his garden

on the 14<sup>th</sup> February 2002 and that pupil A's account was therefore untrue. The Panel noted that the corroborating evidence had been provided by family members and contained some inconsistencies. The date on which the shed was claimed to have been erected had been arrived at by a process of deduction/elimination based on the weather forecasts from 2002. The Panel did not consider Mr Channing's evidence regarding his whereabouts on that day to be reliable.

Pupil A also alleged that she and Mr Channing had sexual intercourse during a weekend in August 2003. Mr Channing produced witness statements from family members and friends and also provided evidence in the form of bank statements to support his contention that he was not at home during the weekends in question. In weighing the evidence the Panel took into account that the written statements had been made by family members and friends and had not been tested under oath. The Panel was of the view that the bank statements did not provide definitive proof of Mr Channing's whereabouts at the time alleged. In contrast the Panel found Pupil A's evidence to be credible.

The Panel also considered the evidence produced of email contact between Mr Channing and Pupil A ( pages 13 to 22 of the bundle) which supported pupil A's version of events and the written evidence of Individual P who was present when Mr. Channing visited Pupil A's home (pages 240-242 of the bundle). Individual P is not a relative of pupil A and he has had no contact with the family since his relationship with Pupil A's mother ended in 2002 and as such his evidence was felt by the Panel to be more objective. Individual P described seeing Mr. Channing and Pupil A together on the evening when Mr Channing visited pupil A's home. And stated that, *'until then we had thought that it was just some childhood crush but it became clear that it was a relationship'*.

Mr Channing's representative argued that it was surprising that Pupil A's mother had not contacted either the authorities or the school when she became aware of her daughter's relationship with Mr Channing. The Panel gave this some thought but found it credible that she had not done so given that Pupil A had threatened to commit suicide if the school was informed.

#### Findings as to Unacceptable Professional Conduct

Having found the substantive allegation proved the Panel did not consider it necessary to consider each and every allegation made by the Presenting Officer, We find that Mr Channing's actions amount to both unacceptable professional conduct and behaviour which could bring the profession into disrepute. Teachers are expected to demonstrate consistently high standards and to uphold public trust in the profession. By sustaining an inappropriate relationship with a vulnerable pupil who was aged 14 at the time the alleged physical relationship started, Mr Channing showed no regard for the need to observe proper boundaries appropriate to a teacher's professional position, or to safeguard the well-being of pupils

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

When considering what sanction, if any, to recommend we have had regard to the advice contained in "The Prohibition of Teachers – Teaching Agency advice on

factors relating to decisions leading to the prohibition of teachers from the teaching profession”.

The need to protect children, the maintenance of public confidence in the profession and declaring and upholding of proper standards of conduct are of the utmost importance. Nevertheless we have sought to approach these issues bearing in mind the principle of proportionality and have carefully considered the submissions of Mr Channing's representative. In particular, that at the time that the misconduct occurred he was a young and inexperienced teacher in his first teaching post and that a Prohibition Order would have an adverse impact on pupils who are currently being taught by Mr Channing.

We have concluded that in this instance it would be a proportionate and appropriate response to recommend that a Prohibition Order is made. Mr Channing's conduct in pursuing and maintaining an abusive sexual relationship with a vulnerable, underage pupil constitutes a very serious departure from the standards of behaviour expected of a teacher. The abuse of trust and violation of the rights of the pupil have had a lasting impact on her wellbeing and self-esteem. In the view of the Panel Mr Channing has demonstrated little insight into the consequences of his actions. Given the abusive nature of the misconduct and that it was sustained over a considerable period of time the Panel are of the view that there is a significant risk of a re-occurrence with another pupil. Accordingly, we recommend to the Secretary of State that a Prohibition Order is imposed with no provision for Mr Channing to have that Order set aside.

#### Secretary of State's Decision and Reasons

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

The Panel has found the facts of this case proven and that those facts amount to unacceptable professional conduct. The conduct found proven against Mr Channing is of a very serious nature. Mr Channing has seriously abused the trust expected of a teacher. He pursued and sustained a sexual relationship with a vulnerable pupil. His behaviour has had a serious impact upon her well-being. It is conduct that falls significantly below that expected.

I accept the recommendation of the Panel that Mr Channing should be prohibited from teaching. This appears to me to be both proportionate and in the public interest.

I have also considered the matter of a review period.

This is a very serious case. Mr Channing appears to have shown very little insight into his conduct. On balance, and taking into account the need to be proportionate and to act in the public interest, I support the recommendation that Mr Channing is not allowed a review period.

**NAME OF DECISION MAKER: Alan Meyrick**

**DATE: 20 May 2013**