



National College for  
Teaching & Leadership

# **Mr Edward Campbell- Castle: Professional Conduct Panel outcome**

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

**October 2014**

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

<b>Teacher:</b>	Mr Edward Campbell-Castle
<b>Teacher ref no:</b>	03/57687
<b>Teacher date of birth:</b>	21 February 1982
<b>NCTL Case ref no:</b>	9449
<b>Date of Determination:</b>	29 October 2014
<b>Former employer:</b>	School A

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27, 28 and 29 October 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Edward Campbell-Castle. The Panel members were Mrs Fiona Tankard (Teacher Panellist – in the Chair), Mr Tony Heath (Lay Panellist) and Dr Robert Cawley (Teacher Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Blake Morgan LLP Solicitors.

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

Mr Campbell-Castle was present and was represented by Mr Steve Peacock of Weightman’s LLP Solicitors.

The hearing took place in private and was recorded but the decision of the panel was announced in public.

## **B. Allegations**

The Panel considered the allegation set out in the Notice of Proceedings dated 23 July 2014

It was alleged that Mr Edward Campbell-Castle was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute, in that:

1. Whilst employed as a teacher he engaged in an inappropriate relationship with a pupil at another school, Child A,
2. On 7 December 2010 he lied to the police about Child A's whereabouts;
3. From 7 December 2010 to May 2011 he knew or ought to have known that Child A was under the age of 16 when he engaged in an inappropriate relationship with her:
4. His conduct at paragraphs 1 above was sexually motivated;
5. His conduct at paragraph 2 was dishonest in that he deliberately attempted to mislead the police.

Mr Campbell-Castle admitted the facts alleged in paragraphs 1 and 4, but denied the facts alleged in paragraphs 2, 3 and 5. Unacceptable professional conduct and conduct that may bring the profession into disrepute were denied.

## **C. Preliminary applications**

### **Amendment of the particulars of the allegation**

The Presenting Officer applied to amend the date in paragraphs 2 and 3 from 7 to 8 December 2010 as the evidence indicated that the police attended at Mr Campbell-Castle's home after midnight on 7 December 2010. Mr Peacock did not object to the application. The Panel agreed to the amendment on the basis that it was necessary in the interests of justice to correct an inaccuracy and that no prejudice would be caused.

### **Chronology**

The Presenting Officer applied to introduce an additional document in the form of a chronology to assist in demonstrating the sequence of the communications between Child A and Mr Campbell-Castle. Mr Peacock did not object to the admission of this additional document on the basis that it was understood that this was not evidence.

## **Additional evidence**

Mr Peacock applied to admit additional documents consisting of a further statement of Mr Campbell-Castle and character references. The Presenting Officer did not object to the admission of these additional documents and the Panel adjourned to read the documents before agreeing to their admission.

## **D. Summary of evidence**

### **Documents**

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

- Section 1: Anonymised Pupil List, with page numbers from 1 to 4;
- Section 2: Notice of Proceedings and response, with page numbers from 5 to 12;
- Section 3: NCTL Witness Statements, with page numbers from 13 to 29;
- Section 4: NCTL Documents, with page numbers from 30 to 280;
- Section 5: Teacher Documents, with page numbers from 282 to 401.

In addition, the Panel agreed to admit the following documents, namely:

- 1) the chronology from the Presenting Officer, which was added to section 3 of the bundle, with page numbers 29A to 29D;
- 2) the statement of Mr Campbell-Castle and references, which were added to section 5 of the bundle, with page numbers from 402 to 420.

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

## **Witnesses**

### **Child A**

Pursuant to directions made at a Case Management Hearing, Child A was called by the Presenting Officer to give evidence by video link. (Although referred to as 'Child A' in the Notice of Proceedings, the witness was aged over 18 at the time of the hearing.)

## **Teacher A**

Teacher A, the Headmaster of the school which employed Mr Campbell-Castle, was called by the Presenting Officer to give oral evidence.

## **Mr Edward Campbell-Castle**

Mr Campbell-Castle was called by Mr Peacock to give oral evidence at the facts stage and was also recalled to give evidence at the mitigation stage.

## **Witness B**

Witness B is a Civil Servant employed as an Investigative Examiner dealing with public interest proceedings with the Enforcement and Investigation Services Directorate of The Insolvency Service (an executive agency of the Department of Business, Innovation and Skills). Witness B was called by Mr Peacock to give character evidence at the mitigation stage only.

## **E. Decision and reasons**

The Panel announced its decision and reasons in public 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.

Mr Edward Campbell-Castle qualified as a teacher in 2004 and was appointed as teacher of philosophy at School A in 2005. In that role, he taught pupils aged 11 to 18.

Child A is now aged over 18, but in April 2010 was 14 years old. Child A was not a pupil at School A, although she was a pupil at another school. Prior to 9 April 2010, Child A had never met Mr Campbell-Castle, nor had any contact with him.

By 9 April 2010, Mr Campbell-Castle had posted a notice on a website advertising for a casual relationship. On this date, Child A responded to Mr Campbell-Castle's advertisement. Mr Campbell-Castle and Child A then met on a regular basis. It is not in dispute that Child A lied to Mr Campbell-Castle about her age.

On 8 December 2010 the police called at Mr Campbell-Castle's home. They were looking for Child A as she had been reported as missing by her mother. There is a factual dispute as to whether Child A was actually at Mr Campbell-Castle's house at that time. Mr Campbell-Castle told the police that he had not had any contact with Child A since earlier on 7 December 2010. The police told Mr Campbell-Castle on that occasion that Child A was 15 years old.

It is not disputed that there was continued contact between Mr Campbell-Castle and Child A after 8 December 2010.

On 23 October 2011, Child A sent an email to Teacher A, the Headmaster of School A, in which she said that Mr Campbell-Castle had been in a relationship with a child. Teacher A arranged to meet with Child A. Child A disclosed that she was the child referred to in the email. Following the meeting a referral was made to the Local Authority Designated Officer (LADO). An investigation was undertaken by the police, during which Child A and Mr Campbell-Castle were interviewed, but there were no criminal charges. Mr Campbell-Castle had been off work due to ill-health in the autumn term of 2011. By letter dated 22 November 2011, he resigned from his post at School A.

## **Findings of Fact**

Our findings of fact are as follows:

### **1 Whilst employed as a teacher he engaged in an inappropriate relationship with a pupil at another school, Child A:**

Mr Campbell-Castle admits the facts alleged in this allegation. The Panel finds this allegation proved.

The Panel is satisfied that this was an inappropriate relationship given that Child A was under 16 at that time and was a pupil at another school. Although Mr Campbell-Castle said that the website through which he communicated with Child A was intended to be restricted to people over 18, the Panel noted that he did not ask Child A how old she was until he had sent the first message. Furthermore, in one of the messages sent on 9 April 2010, Mr Campbell-Castle questioned Child A as to whether she was really 17 rather than 18. Although Child A lied in her response, this indicated to the Panel that, from the outset, Mr Campbell-Castle was alive to the possibility that Child A might be younger than she claimed. Throughout the remainder of the relationship, Mr Campbell-Castle claimed that he asked a number of questions and made various checks about Child A's age, which he said included viewing a date of birth on Child A's prescribed medication. The Panel did not accept that Mr Campbell-Castle could have viewed a date of birth on prescribed medication that confirmed that Child A was over 18 at that time. However, Mr Campbell-Castle's account and emails presented to the Panel indicate that he remained at best unsure about Child A's age throughout the relationship.

The Panel is satisfied that the facts alleged in 1 have been proved and that in acting in this way, Mr Campbell-Castle was engaged in an inappropriate relationship with Child A.

## **2 On 8 December 2010 he lied to the police about Child A's whereabouts;**

Mr Campbell-Castle denies the alleged facts. Child A was adamant that she was at Mr Campbell-Castle's house for the whole night, including during the visit by the police in the early hours of the morning.

Mr Campbell-Castle admitted that he had lied to the police when they called at his house on 8 December 2010 about how he had met with Child A and the extent of the relationship. He said that he did so because he felt embarrassed about how they met and concerned about how this would affect his job, should it become known. The police log records that he said that he had not had contact with Child A since earlier on the 7 December 2010 in the evening. The Panel noted that when interviewed by the police on 23 December 2011, Mr Campbell-Castle was asked if Child A had been present at his address when the police arrived and he said he was 'hazy' on this point. When pressed he said she was not in his house 'to my knowledge'. In his oral evidence to the Panel, Mr Campbell-Castle said that he had tried to contact Child A by text and phone during the police visit and she had not replied. Despite this claimed failure to contact her, his evidence was that he had no concerns about her whereabouts and did not try to contact her again that night or early the next day. The Panel found his account wholly implausible given that he had just been informed by the police of her actual age (15). If she had not been in the house, the Panel could not understand why he would not have used his best endeavours to contact somebody he claimed in his oral evidence to care about and bearing in mind the obvious implications for him of her age and his previous actions.

In the light of all of these considerations, the Panel prefers the account of Child A as to the events of 8 December. Accordingly, the Panel is satisfied, on the balance of probabilities, that Mr Campbell-Castle lied to the police on 8 December 2010 about Child A's whereabouts. Accordingly, the Panel finds the facts proved.

## **3 From 8 December 2010 to May 2011 he knew or ought to have known that Child A was under the age of 16 when he engaged in an inappropriate relationship with her:**

Mr Campbell-Castle denies this allegation in its entirety. However, as outlined above under allegation 1c), the Panel has found that Mr Campbell-Castle had engaged in an inappropriate relationship with Child A between 8 December 2010 and May 2011. Given that the police had clearly told him on 8 December 2010 that Child A was 15 years of age, there is no doubt that he ought to have known that she was under 16 at that point. His account is that Child A continued to lie to him throughout this period and he believed her when she told him that the police had been misled by her mother. Despite having researched her name and date of birth online and discovered that one of the results indicated her age as 15, Mr Campbell-Castle maintains that he continued to believe that Child A was over 18. However, in the police interview on 23 December 2011, Mr Campbell-Castle said that he 'may have chosen to believe her when common sense or good sense would have lead [sic] me not to'. Additionally, when interviewed on 26



January 2012, he is quoted as accepting 'I had reasonable reason to doubt that she was 16'.

However, after the police visit to his house, the emails between them start to refer to her 'wedding' in May and 'Tom' which Child A claims are coded references to her 16<sup>th</sup> birthday and the police respectively. Mr Campbell-Castle said in his evidence that Child A had told him that 'Tom' was her fiancé and that they were due to marry in May. Child A denied ever having a relationship with anyone called Tom and when pressed by the Panel, Mr Campbell-Castle's explanation for his sudden concern from January about Tom becoming aware of the relationship was wholly unconvincing. For example, he told the Panel that he did not want to maintain a relationship with Child A behind her fiancé's back. However, on Skype on 7 January 2011, he states clearly 'a few months...will make things safer. Once the date of the wedding is past [sic]. And then it doesn't matter as much.' The Panel believes it is more likely than not that this is a coded reference to Child A's 16<sup>th</sup> birthday and, therefore, proves that Mr Campbell-Castle knew that she was 15 years old prior to May 2011 and made attempts to cover up explicit references to this in his communications with her.

After careful consideration of all of this correspondence and Mr Campbell-Castle's explanations, the Panel considers his account implausible and that he clearly did know after 8 December 2010 that she was under 16 and that he was going to lengths to hide this in their emails. The Panel finds the facts proved.

#### **4. His conduct at paragraph 1 above was sexually motivated;**

Mr Campbell-Castle admits that his conduct was sexually motivated and this is clearly supported by the evidence presented. The Panel finds the facts proved.

#### **5. His conduct at paragraph 2 was dishonest in that he deliberately attempted to mislead the police.**

Mr Campbell-Castle denies the alleged facts, but the Panel has found that Mr Campbell-Castle lied to the police about the whereabouts of Child A on 8 December 2010. The Panel is satisfied that Mr Campbell-Castle deliberately attempted to mislead the police. In doing so, his actions were dishonest by the ordinary standards of reasonable and honest people and Mr Campbell-Castle must have realised that by those standards his actions were dishonest. Accordingly, the Panel finds the facts proved.

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

The Panel was conscious that misconduct outside of the education setting will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way. However, Mr Campbell-Castle displayed behaviour associated with an offence shown in the list on page 8 of the guidance. In lying to the police, Mr Campbell-

Castle failed in his professional duty to safeguard Child A. The Panel is satisfied that this was misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In reaching this view, the Panel had regard to the GTCE Code of Conduct and Practice for Registered Teachers which was operative at the time and, in particular, the principle that teachers put the wellbeing of children and young people first.

Furthermore, his conduct, although outside of the education setting, would be likely to have a negative impact on his status as a teacher, damaging the public's perception of him and bringing the profession into disrepute. The Panel takes into account the uniquely influential role that teachers can have in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. It is clear that Mr Campbell-Castle was aware of the professional implications of his actions as he went to some lengths to disguise his identity and occupation.

The Panel is also satisfied that Mr Campbell-Castle breached the Personal and Professional Conduct elements of the Teachers' Standards. He failed to uphold public trust in the profession and maintain standards of ethics and behaviour outside school in that he:

- did not observe proper boundaries appropriate to a teacher's professional position
- did not have regard to the need to safeguard Child A's wellbeing in accordance with statutory provisions

The Panel is satisfied that in respect of each allegation, Mr Campbell-Castle's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

The Panel has taken into consideration the fact that Mr Campbell-Castle is a person of previous good character. The Panel has also considered the positive character references provided, including the oral reference on oath from Witness B.

The behaviour was incompatible with being a teacher given that it involved:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards (albeit not within a school setting);
- dishonesty;
- sexual misconduct involving actions that were sexually motivated.

Despite these factors, we are confident that Mr Campbell-Castle did not set out with any intention of pursuing a relationship with a person under the age of 18. As he now acknowledges, Mr Campbell-Castle allowed himself to be misled and was too willing to trust Child A's word regarding her age against increasingly convincing evidence to the contrary. Given the particular circumstances of this case, the Panel feels that the risk of

Mr Campbell Castle's repeating this behaviour is minimal. Accordingly, the Panel does not consider that a Prohibition Order is necessary in order to protect pupils or other members of the public. Nevertheless, in the face of serious misconduct, the Panel is satisfied that a Prohibition Order is necessary in the public interest in order to maintain public confidence in the teaching profession and to declare and uphold proper standards of conduct. This is our recommendation.

The Panel considered whether to recommend that Mr Campbell-Castle be permitted to apply for the Prohibition Order to be set aside or that there should be no such provision.

Whilst the behaviour involved sexual misconduct which was sexually motivated, this was not a situation in which Mr Campbell-Castle had used his professional position to influence or exploit Child A. In the view of the Panel, this distinguishes this case from other cases involving sexual misconduct. Child A, despite being under age, responded to Mr Campbell-Castle's notice on an over 18 website. Child A admitted that she misled Mr Campbell-Castle and subsequently gave him false reassurance about her age, at least during the initial stages of the relationship. The Panel was also satisfied that there was nothing about Child A's appearance and behaviour that should have immediately alerted Mr Campbell-Castle to her true age. The Panel noted the evidence of Teacher A to the effect that Child A presented as someone who could be as old as 21 when he met with her on 1 November 2011.

In his oral evidence after the Panel's findings were announced, Mr Campbell-Castle demonstrated considerable insight into his actions. In particular, he reassured the Panel that he recognised the gaps in his understanding of his wider professional duty with regard to safeguarding and would undertake to close those gaps with the necessary training before returning to teaching. It is clear that he is a dedicated and hard-working teacher with a real commitment to overcoming these events and returning to the profession. The Panel also heard, both in person and in writing, from convincing character witnesses, who clearly hold Mr Campbell-Castle in high regard. Teacher A also spoke positively about Mr Campbell-Castle's contribution at School A. The Panel was given some reassurance by Mr Campbell-Castle's recognition that a Prohibition Order is an appropriate and proportionate sanction in the light of the severity of his misjudgement.

The Panel would not wish to preclude the possibility of Mr Campbell-Castle's returning to teaching at some point in the future. The recommendation of the Panel is that Mr Campbell-Castle should be able to apply for the Prohibition Order to be set aside after a period of two years.

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

I have given careful consideration to the findings and recommendations of the panel in this case.

The panel have found all the facts proven relating to the various allegations and have judged that those facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The facts in this case relate to Mr Campbell-Castle having an inappropriate relationship with Child A. The details of the case involve sexually motivated behaviour and dishonesty. The panel are satisfied that he did not set out to have a relationship with someone under the age of 18. Mr Campbell-Castle allowed himself to be misled and was too willing to trust Child A's word regarding her age against increasingly convincing evidence to the contrary. Nevertheless, the panel have determined that Mr Campbell-Castle's behaviour is incompatible with being a teacher.

In view of the serious nature of Mr Campbell-Castle's misconduct, the Panel is satisfied that a Prohibition Order is necessary in the public interest in order to maintain public confidence in the teaching profession and to declare and uphold proper standards of conduct. I agree with their recommendation.

In considering whether a review period is appropriate in this case the panel have noted his previous good character evidenced through positive character references. Following the announcement of the panel's findings Mr Campbell-Castle showed considerable insight into his actions. It is clear to the panel that he is a dedicated and hard-working teacher with a real commitment to overcoming these events.

However, throughout proceedings Mr Campbell-Castle continued to deny some of the allegations that were subsequently found proven. He was dishonest in deliberately trying to mislead the police with regard to Child A's whereabouts. Whilst I agree that Mr Campbell-Castle should not be denied the possibility to return to teaching at some point in the future, I have decided that in view of the seriousness of the facts in this case, a period of 5 years would be an appropriate amount of time for him to reflect fully on his behaviour and undertake any training required to close any gaps in his understanding of safeguarding issues.

**This means that Mr Edward Campbell-Castle is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the Prohibition Order to be set aside, but not until November 2019, 5 years from the date of this order at the earliest. This is not an automatic right to have the Prohibition Order removed. If he does apply, a panel will meet to consider whether the Prohibition Order should be set

aside. Without a successful application, Mr Edward Campbell-Castle remains barred from teaching indefinitely.

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

Mr Edward Campbell-Castle 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 black ink, appearing to read 'P Heathcote', with a large, sweeping flourish extending to the right.

**NAME OF DECISION MAKER: Paul Heathcote**

**Date: 30 October 2014**

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