



Teaching
Regulation
Agency

Mr Paul Casey: Professional conduct panel meeting outcome

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

October 2021

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

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| Teacher: | Mr Paul Casey |
| Teacher ref number: | 3936511 |
| Teacher date of birth: | 7 August 1993 |
| TRA reference: | 18922 |
| Date of determination: | 08 October 2021 |
| Former employer: | The Holy Cross School, New Malden |

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 8 October 2021, to consider the case of Mr Paul Casey.

The panel members were Mrs Marjorie Harris (former teacher panellist – in the chair), Mr Paul D Hawkins (teacher panellist) and Mr Craig Underwood (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Casey that the allegations be considered without a hearing. Mr Casey provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer of the TRA, Mr Casey, or any representative on his behalf.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 9 August 2021.

It was alleged that Mr Casey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into, in that whilst employed at the Holy Cross School:

1. You failed to maintain appropriate professional boundaries with respect to Pupil A, in that you;
 - a. sent her multiple messages via Instagram direct message between 27 July 2019 and 31 August 2019;
 - b. exchanged one or more messages with Pupil A;
 - i. after 11pm and/or overnight;
 - ii. in which you discussed personal matters and/or expressed your personal opinions;
 - iii. in which you made unprofessional comments regarding one or more of your colleagues;
2. You engaged in conduct which lacked integrity and/or was dishonest, in that on or around 16 October 2019, you:
 - a. attempted to block Pupil A on Instagram once you had been questioned about your communications;
 - b. you deleted the Instagram messages between yourself and Pupil A.
3. In respect of Pupil B, who you had first met whilst working as their teacher at Lismore Comprehensive School in Northern Ireland you:
 - a. gave and/or lent Pupil B sums of money and/or made one or more purchases for Pupil B;
 - b. threatened him if he did not repay you;
 - c. phoned Pupil B repeatedly if he did not reply to your message;
 - d. sent text messages asking why Pupil B was ignoring you;
 - e. signed your text messages with 'L.Y. FOREVER' on more than one occasion;
 - f. threatened to call Pupil B's mother if he did not respond to your messages;
 - g. threatened to harm and/or kill yourself if Pupil B did not remain friends with you;
4. Wholly or partly as a result of your conduct at Allegation 3 you received cautions in Northern Ireland for offences of harassment and/or improper use of telecommunications.

Mr Casey has admitted allegations 1 to 4 in a signed statement of agreed facts and accepted that his conduct in respect of those allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – pages 1 to 2

Section 2: Notice of proceedings, statement of agreed facts and presenting officer's representations – pages 3 to 152

Section 3: Teaching Regulation Agency witness statements – pages 153 to 217

Section 4: Teaching Regulation Agency documents – pages 218 to 278

Section 5: Teacher documents – pages 279 to 280

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Casey on 6 April 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Casey for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Casey was employed by The Holy Cross School ("the School") as a teacher of religious education and started on 1 September 2017.

On 18 February 2019, the School received a letter from the police advising that Mr Casey had been arrested on 31 December 2018 on suspicion of harassment and improper use of telecommunications offences involving an ex-pupil and the ex-pupil's mother of Lismore Comprehensive School. The police also disclosed that Mr Casey had made admissions to the offences in interview and had been released on conditional bail pending further enquiries.

Following a safeguarding meeting, the School took no action pending the conclusion of the criminal investigation.

On 14 October 2019, a member of teaching staff at the School raised a safeguarding concern having been told by other pupils that Mr Casey had been engaged in communications with a pupil at the School since March 2019.

An investigation was initiated, and Mr Casey was suspended by the School on 16 October 2019. Following a disciplinary hearing, Mr Casey was dismissed without notice from the School for gross misconduct on 22 November 2019.

The School made a referral to the TRA on 28 November 2019.

On 4 December 2019, Mr Casey accepted a police caution for the offences relating to the ex-pupil of Lismore Comprehensive School.

Findings of fact

The findings of fact are as follows:

- 1. You failed to maintain appropriate professional boundaries with respect to Pupil A, in that you;**
 - a. sent her multiple messages via Instagram direct message between 27 July 2019 and 31 August 2019;**
 - b. exchanged one or more messages with Pupil A;**
 - i. after 11pm and/or overnight;**
 - ii. in which you discussed personal matters and/or expressed your personal opinions;**
 - iii. in which you made unprofessional comments regarding one or more of your colleagues;**

The panel considered the statement of agreed facts signed by Mr Casey in which he admitted the conduct of this allegation in full.

The panel also considered a number of screen shots exhibited in the bundle which showed the date and times that some of the messages were sent and the nature of the communication between Mr Casey and Pupil A.

In particular, the panel noted the discussions included topics about politics, religion, alcohol and also unprofessional remarks about other teachers and the administration of the School. The panel were of the view these conversations crossed the professional boundary between pupil and teacher.

The panel decided on this evidence it was more likely than not, that the facts of the allegation had taken place and therefore found this allegation proved.

2. You engaged in conduct which lacked integrity and/or was dishonest, in that on or around 16 October 2019, you:

a. attempted to block Pupil A on Instagram once you had been questioned about your communications;

b. you deleted the Instagram messages between yourself and Pupil A.

The panel considered the statement of agreed facts signed by Mr Casey in which he admitted the conduct of this allegation in full.

The panel also considered the witness statement and exhibits of the deputy head (at that time) of the School and steps taken to obtain copies of the messages from Mr Casey, which was consistent with the agreed facts.

The panel decided on this evidence it was more likely than not, that the facts of the allegation had taken place and therefore found this allegation proved.

3. In respect of Pupil B, who you had first met whilst working as their teacher at Lismore Comprehensive School in Northern Ireland you:

a. gave and/or lent Pupil B sums of money and/or made one or more purchases for Pupil B;

b. threatened him if he did not repay you;

c. phoned Pupil B repeatedly if he did not reply to your message;

d. sent text messages asking why Pupil B was ignoring you;

e. signed your text messages with ‘L.Y. FOREVER’ on more than one occasion;

f. threatened to call Pupil B’s mother if he did not respond to your messages;

g. threatened to harm and/or kill yourself if Pupil B did not remain friends with you;

The panel considered the statement of agreed facts signed by Mr Casey in which he admitted the conduct of this allegation in full.

The panel also considered the witness statements of Pupil B, Pupil B's Mother, the screenshots of the Instagram messages and bank statements in the bundle.

The panel decided on this evidence it was more likely than not, that the facts of the allegation had taken place and therefore found this allegation proved.

4. Wholly or partly as a result of your conduct at Allegation 3 you received cautions in Northern Ireland for offences of harassment and/or improper use of telecommunications.

The panel considered the statement of agreed facts signed by Mr Casey in which he admitted the conduct of this allegation in full.

The panel also considered the Certificate of Caution and letter from the police service of Northern Ireland confirming this had been issued to Mr Casey.

The panel decided on this evidence it was more likely than not, that the facts of the allegation had taken place and therefore found this allegation proved.

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

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Casey fell significantly short of the standards expected of the profession.

The panel considered Mr Casey's conduct to be serious in that the conduct was based on an inappropriate relationship between Mr Casey, as a teacher, and his pupils. This included but was not limited to: lending and/or gifting money to a pupil, making threats to a pupil and expressing his love to a pupil.

In particular, the panel considered the dishonesty aspect and failure to maintain professional boundaries between a teacher and pupil was of a serious nature.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The panel were particularly mindful that Mr Casey has received a police caution in relation to his conduct with a pupil. For the above reasons, the panel considered the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public's perception of the profession.

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

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr Casey, which included, but was not limited to: lending and/or gifting money to a pupil, making threats to a pupil and expressing his love to a pupil, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Casey.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Casey. The panel took further account of the Advice, which suggests that a prohibition

order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel was provided with little material in mitigation. The panel considered the email dated 16 April 2021 from Mr Casey and noted his apologies, but there was no evidence that Mr Casey's actions were not deliberate. There was no evidence to suggest that Mr Casey was acting under duress, and, in fact, the panel found Mr Casey's actions to be calculated and motivated.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Casey of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Casey. The forming of an inappropriate relationship with more than one pupil and the later coercive nature with one of the pupils, which resulted in a police caution was a significant factor in coming to that conclusion. Accordingly, the panel made a

recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

The panel found that Mr Casey demonstrated a lack of insight into his behaviours and were concerned that there was a potential ongoing risk to pupils if he were to return to the profession.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Paul Casey should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of inappropriate relationships with pupils, involving lending/gifting money, threats, expressing love, actions found to be dishonest and with one pupil led to a police caution.

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel was provided with little material in mitigation. The panel considered the email dated 16 April 2021 from Mr Casey and noted his apologies, but there was no evidence that Mr Casey's actions were not deliberate. There was no evidence to suggest that Mr Casey was acting under duress, and, in fact, the panel found Mr Casey's actions to be calculated and motivated." In my judgement, the lack of full

insight means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely: the protection of pupils and the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct." I am particularly mindful of the dishonesty found and failure to maintain professional boundaries between a teacher and pupil was of a serious nature and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Casey himself and although the panel did not comment on Mr Casey's history and ability as a teacher, I understood he has been in the profession several years, including his role as teacher of religious education. A prohibition order would therefore prevent Mr Casey from teaching, a prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning public interest and the panel said, "the public interest considerations outweighed the interests of Mr Casey. The forming of an inappropriate relationship with more than one pupil and the later coercive nature with one of the pupils, which resulted in a police caution was a significant factor in coming to that conclusion."

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The panel found that Mr Casey demonstrated a lack of insight into his behaviours and was concerned that there was a potential ongoing risk to pupils if he were to return to the profession."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, two factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving inappropriate relationships with pupils and the lack of full insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Paul Casey is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Casey shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Paul Casey 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.



Decision maker: Sarah Buxcey

Date: 18 October 2021

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