



Teaching
Regulation
Agency

Mr Richard Chipchase: Professional conduct panel outcome

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

February 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	5
Witnesses	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	10

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

Teacher:	Mr Richard Chipchase
Teacher ref number:	9348815
Teacher date of birth:	11 May 1965
TRA reference:	19959
Date of determination:	14 February 2023
Former employer:	Woodchurch High School ("the School"), Birkenhead

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 14 February 2023 via Microsoft Teams, to consider the case of Mr Chipchase.

The panel members were Miss Asma Majid (lay panellist – in the chair), Mr Suhel Ahmed (teacher panellist) and Ms Caroline Downes (lay panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

The presenting officer for the TRA was Mr James Lloyd of counsel, instructed by Kingsley Napley solicitors.

Mr Chipchase was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 2 December 2022.

It was alleged that Mr Chipchase was guilty of having been convicted of a relevant offence, in that:

1. On 2 March 2021, he was convicted of 3 counts of sexual activity with a female child under 16, contrary to Section 9 of the Sexual Offences Act 2003.
2. On 2 March 2021, he was convicted of 1 count of attempting to cause/incite a female child under 16 to engage in sexual activity, contrary to Section 10 of the Sexual Offences Act 2003.

In his response to the notice of referral, dated 6 July 2022, Mr Chipchase admitted the allegations and that they amount to a conviction for a relevant offence.

Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Chipchase.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 5.23 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

The panel then considered whether to exercise its discretion to proceed in the teacher's absence. It was satisfied that the Notice was served in accordance with the Procedures. It then considered whether it would be fair and in the public interest to proceed, and decided it was. The panel considered that in his correspondence, the teacher had indicated he had no intention of attending a hearing, and therefore voluntarily waived his right to attend. The panel had regard to the age of the allegations and the public interest in bringing the matter to a conclusion. It was satisfied it was fair to proceed.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 12

Section 3: Teaching Regulation Agency documents – pages 13 to 175

Section 5: Teacher documents – none

In addition, the panel agreed to accept the following:

- Notice of referral response form completed and signed by Mr Chipchase 6 July 2022
- Email chain between Kingsley Napley LLP and Mr Chipchase 23 August 2022 and 22 September 2022
- Email exchange between the TRA and Mr Chipchase 16 November 2022

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

Witnesses

The panel did not hear any oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Chipchase was employed at the School as a member of the Maths Department in 1997, and became Head of the Maths Department in 2008. In 2009, after some concerns had been raised about his relationships with female pupils, the School arranged pre-disciplinary counselling and he was provided with a mentor.

In 2011, the School completed an investigation into concerns that had been raised, and his employment ceased. No report was made to the police until 2020. The police then interviewed Pupil F, who had attended the School between [REDACTED]. She was described as emotionally vulnerable, and needing a higher level of support. She disclosed to the police that Mr Chipchase had initially been friendly towards her, but then began to show her preferential treatment. Matters came to the School's attention, and

they took steps to ensure Mr Chipchase was not alone with her. But he provided her with his mobile phone number. Pupil F described a course of sexual activity which began when she was [REDACTED] and continued until she was [REDACTED]. Mr Chipchase engaged in grooming behaviour towards her, including buying her cigarettes and alcohol and giving her lifts in his car. On one occasion when she was [REDACTED], he stroked her back and commented positively on her appearance. When she was [REDACTED] when they were alone in a store room, he said he would not let her out until she hugged him. She was scared by this. At around the same time, while giving her a lift in his car, he committed a sexual assault, by placing his hand on her knee, then under her skirt and touching her vagina underneath her clothing.

Mr Chipchase was charged and on 2 March 2021, pleaded guilty at Liverpool Crown Court to four sexual offences. He was sentenced to a total of 27 months' imprisonment and made subject to a sexual harm prevention order for 7 years, as well as being placed on the sex offenders register for 10 years.

Findings of fact

The findings of fact are as follows:

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

1. On 2 March 2021, you were convicted of 3 counts of sexual activity with a female child under 16, contrary to Section 9 of the Sexual Offences Act 2003.

This allegation was admitted by Mr Chipchase in his response to the TRA's notice of referral dated 6 July 2022, and was supported by evidence presented to the panel, in particular, a certificate of conviction dated 12 July 2022.

This allegation was therefore found proved.

2. On 2 March 2021, you were convicted of 1 count of attempting to cause/incite a female child under 16 to engage in sexual activity, contrary to Section 10 of the Sexual Offences Act 2003.

This allegation was admitted by Mr Chipchase in his response to the TRA's notice of referral dated 6 July 2022, and was supported by evidence presented to the panel, in particular, a certificate of conviction dated 12 July 2022.

This allegation was therefore found proved.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a relevant conviction.

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 the teacher, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Chipchase 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
- 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 noted that the individual’s actions were relevant to teaching, working with children and working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and well-being of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Chipchase’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the teacher’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

This was a case concerning an offence involving sexual activity, which the Advice states is likely to be considered a relevant offence.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to the teacher's ongoing suitability to teach. The panel considered that a finding that these convictions were for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the protection of pupils, given the serious finding of sexual misconduct against a pupil over a four-year period, both on and off school premises and notwithstanding previous attempts to address concerns about Mr Chipchase's relationships with female pupils. The panel recognised that harm had been caused to Pupil F, and it is clear that any repetition of his offending behaviour would be likely to cause serious harm.

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

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

In view of 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 the teacher.

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

Chipchase. 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 were relevant in this case were:

- 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct;
- the commission of a serious criminal offence, including those that result 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 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 considered the mitigating factors which are set out in the Advice, and concluded that they were not present in this case. Mr Chipchase's actions were deliberate and he was not acting under duress. He had no previous convictions, but there was no evidence before the panel that he had demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate or an appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite any impact a prohibition order may have on the teacher.

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

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

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

misconduct that resulted in harm to a person, particularly where the teacher has used his professional position to influence or exploit a person.

There is no evidence that Mr Chipchase has shown insight or remorse into his actions.

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 a relevant conviction.

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

In particular, the panel has found that Mr Chipchase 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
- 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 Chipcase fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of a relevant offence involving sexual activity with a child.

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 a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Chipchase, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "There was a strong public interest consideration in respect of the protection of pupils, given the serious finding of sexual misconduct against a pupil over a four-year period, both on and off school premises and notwithstanding previous attempts to address concerns about Mr Chipchase's relationships with female pupils. The panel recognised that harm had been caused to Pupil F, and it is clear that any repetition of his offending behaviour would be likely to cause serious harm." 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, "There is no evidence that Mr Chipchase has shown insight or remorse into his actions." In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Chipchase's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community" I am particularly mindful of the finding of sexual activity with a child in this case 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 a relevant offence, 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 Chipchase and the panel comment “The panel considered the mitigating factors which are set out in the Advice, and concluded that they were not present in this case. Mr Chipchase's actions were deliberate and he was not acting under duress. He had no previous convictions, but there was no evidence before the panel that he had demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

A prohibition order would prevent Mr Chipchase 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, “The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to the teacher's ongoing suitability to teach. The panel considered that a finding that these convictions were for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.”

I have also placed considerable weight on the finding of the panel that “the behaviour involved in committing the offence could have had an impact on the safety and well-being of pupils.”

The findings are serious, and ultimately sentenced to a total of 27 months' imprisonment and made subject to a sexual harm prevention order for 7 years, as well as being placed on the sex offenders register for 10 years. I have noted as part of the police investigation “She was described as emotionally vulnerable, and needing a higher level of support. She disclosed to the police that Mr Chipchase had initially been friendly towards her, but then began to show her preferential treatment”.

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

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct that resulted in harm to a person, particularly where the teacher has used his professional position to influence or exploit a person."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are seriousness of the findings involving risk of harm to a child and the lack of 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 Chipchase 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 Chipchase 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 Chipchase has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 15 February 2023

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