



Teaching
Regulation
Agency

Mr Charles Lloyd Ellis: Professional conduct panel outcome

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

November 2023

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

Teacher:	Mr Charles Lloyd Ellis
Teacher ref number:	9850762
Teacher date of birth:	18 July 1959
TRA reference:	17689
Date of determination:	27 November 2023.
Former employer:	Brookdale Primary School, Wirral

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 27 November 2023 by way of a virtual hearing, to consider the case of Mr Charles Lloyd Ellis.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Ms Juliet Berry (lay panellist) and Mr Gerry Wadwa (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Shaun Moran of Capsticks LLP solicitors.

Mr Ellis was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 14 September 2023.

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

1. On 19 December 2019 he was convicted of the following relevant offences:
 - a. Sexually assault a girl under 13 by touching;
 - b. Sexually assault a girl under 13 by touching;
 - c. Sexually assault a girl under 13 by touching;
 - d. Sexually assault a girl under 13 by touching;
 - e. Sexually assault a girl under 13 by touching;
 - f. Sexually assault a girl under 13 by touching;
 - g. Sexually assault a girl under 13 by touching;
 - h. Sexually assault a girl under 13 by touching;
 - i. Sexually assault a girl under 13 by touching;
 - j. Sexually assault a girl under 13 by touching.

2. On 4 December 2020 he was convicted of the following relevant offences:
 - a. Indecent assault on girl under 16;
 - b. Indecent assault on girl under 16;
 - c. Indecent assault on girl under 16;
 - d. Indecent assault on girl under 16;
 - e. Indecent assault on girl under 16;
 - f. Indecent assault on girl under 16;
 - g. Sexually assault a girl under 13 by touching;
 - h. Sexually assault a girl under 13 by touching;
 - i. Sexually assault a girl under 13 by touching;
 - j. Sexually assault a girl under 13 by touching;
 - k. Sexually assault a girl under 13 by touching.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of

doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Application to proceed in the absence of the teacher

Mr Ellis was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Ellis.

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*).

The panel was provided with a service bundle which contained correspondence from the TRA to Mr Ellis.

The service bundle contained an email from the TRA to Capsticks solicitors in which the TRA had copied and pasted an email from Mr Ellis sent on or around 13 June 2023. The panel noted that the email from Mr Ellis stated: *“My position is that following my three convictions, I do not plan to return to teaching and so do not understand what else there is to discuss?”*. Mr Ellis also provided an updated postal address. The service bundle also contained a Royal Mail proof of delivery dated 16 September 2023 in respect of the hard copy Notice of Proceedings and bundle. The panel noted this was sent to the updated postal address Mr Ellis provided on or around 13 June 2023.

The panel was also provided with an email from the TRA to Mr Ellis dated 14 September 2023 attaching a copy of the Notice of Proceedings and hearing bundle, also dated 14 September 2023.

The panel was satisfied that the Notice of Proceedings had been sent to Mr Ellis in accordance with the April 2018 Procedures.

The panel concluded that Mr Ellis' absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Ellis had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Ellis was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Ellis was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5
- Section 2: Notice of referral – pages 6 to 15
- Section 3: TRA documents – pages 16 to 62
- Notice of Hearing, provided separately

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

Witnesses

No witnesses were called give oral evidence at the hearing.

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 Ellis commenced employment at Brookdale Primary School ('the School') on 7 January 2002 as a teacher.

On 9 June 2017, the School became aware of a serious allegation in respect of Mr Ellis' conduct, which was being investigated by the police. The School dismissed Mr Ellis on 28 June 2018 for gross misconduct and referred the matter to the TRA on 15 November 2018.

On 21 November 2019, Mr Ellis was convicted of 10 counts of sexual assault on a girl under 13 by touching.

On 4 December 2020, Mr Ellis was convicted of 6 counts of indecent assault on a girl under 16 and 5 counts of sexual assault on a girl under 13 by touching.

Findings of fact

The findings of fact are as follows:

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

- 1. On 19 December 2019 you were convicted of the following relevant offences:**
 - a. Sexually assault a girl under 13 by touching;**
 - b. Sexually assault a girl under 13 by touching;**
 - c. Sexually assault a girl under 13 by touching;**
 - d. Sexually assault a girl under 13 by touching;**
 - e. Sexually assault a girl under 13 by touching;**
 - f. Sexually assault a girl under 13 by touching;**
 - g. Sexually assault a girl under 13 by touching;**
 - h. Sexually assault a girl under 13 by touching;**
 - i. Sexually assault a girl under 13 by touching;**
 - j. Sexually assault a girl under 13 by touching.**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel was provided with a conviction certificate from Liverpool Crown Court, which detailed that, on 21 November 2019, Mr Ellis had been convicted of 10 counts of sexual assault on a girl under 13 by touching (as outlined in allegations 1(a) to (j)).

Mr Ellis was sentenced to 3 years imprisonment, required to sign the sex offenders register indefinitely and ordered to pay a victim surcharge of £170.

The panel found allegations 1(a) to (j) proven.

- 2. On 4 December 2020 you were convicted of the following relevant offences:**
 - a. Indecent assault on girl under 16;**
 - b. Indecent assault on girl under 16;**
 - c. Indecent assault on girl under 16;**
 - d. Indecent assault on girl under 16;**
 - e. Indecent assault on girl under 16;**
 - f. Indecent assault on girl under 16;**
 - g. Sexually assault a girl under 13 by touching;**
 - h. Sexually assault a girl under 13 by touching;**
 - i. Sexually assault a girl under 13 by touching;**
 - j. Sexually assault a girl under 13 by touching;**
 - k. Sexually assault a girl under 13 by touching.**

The panel noted page 8 of the Advice, as outlined above, and did not find that any exceptional circumstances applied in this case.

The panel was provided with a conviction certificate from Liverpool Crown Court, which detailed that, on 4 December 2020, Mr Ellis was convicted of 6 counts of indecent assault on a girl under 16 and 5 counts of sexual assault on a girl under 13 by touching (as outlined in allegations 2(a) to (k)). The panel noted that Mr Ellis entered a guilty plea in respect of these offences.

Mr Ellis was sentenced to 2 years imprisonment and required to sign the sex offenders register indefinitely.

The panel found allegations 2(a) to (k) proven.

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 conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that Mr Ellis' conduct, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Ellis 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 behaviour involved in committing the offence had an impact on the safety and security of pupils.

The panel took account of the way the teaching profession is viewed by others. The panel considered that Mr Ellis' behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that

teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

This was a case concerning offences involving sexual activity, which the Advice states is more likely to be considered a relevant offence. The panel noted that Mr Ellis' behaviour ultimately led to sentences of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Ellis' actions were demonstrated by the sentences imposed.

The panel considered the sentencing remarks submitted as part of the bundle, which confirmed the victims were pupils taught by Mr Ellis at two separate schools over a period of 17 years between [REDACTED]. The sentencing remarks indicated that 10 of the victims were under the age of 10 at the time the offending behaviour took place. The sentencing remarks also indicated that the victims were subjected to multiple incidents of inappropriate touching.

This caused the panel great concern given that these pupils were in Mr Ellis' care and would have placed their trust in him as their teacher.

The panel found that the seriousness of the offending behaviour that led to the conviction was clearly relevant to Mr Ellis' ongoing suitability to teach given the nature of the conviction and the fact that the victims were pupils. The panel considered that a finding that these convictions were relevant offences was necessary to reaffirm clear standards of conduct and 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.

The panel were aware that 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case: the safeguarding and wellbeing 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.

The panel found that there was an exceptionally strong public interest consideration in respect of the protection of pupils and other members of the public, given the nature of the offences for which Mr Ellis was convicted. His conduct raised obvious and significant pupil and child protection concerns.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ellis 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 Ellis 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 Mr Ellis. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Ellis. 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;
- 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.
- 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 pupils);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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 found that Mr Ellis' actions were deliberate.

There was no evidence to suggest that Mr Ellis was acting under duress, whether extreme or otherwise.

There was no evidence that Mr Ellis had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

There was no evidence that Mr Ellis had shown insight or remorse in respect of his conduct.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Ellis 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 Ellis. The following were significant factors in forming that opinion:

- the nature of the offences;
- the victims were pupils of Mr Ellis, the majority of whom were under 10 years old at the time the offences took place;
- the offences were committed over a sustained period of time, some 17 years; and
- it appeared that the victims had been subject to multiple incidents of inappropriate touching.

The panel regarded Mr Ellis' conduct and convictions as particularly serious. Not only was the offending behaviour incompatible with being a teacher, it represented a breach of trust as it involved pupils for whom Mr Ellis was responsible.

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.

Paragraph 50 of the Advice indicates that, where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel noted that the list of behaviours at paragraph 50 of the Advice includes *'any sexual misconduct involving a child'*, which the panel found to be relevant in this case in light of Mr Ellis' convictions and the panel's findings.

The panel decided that its 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 Charles Lloyd Ellis should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Ellis 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Ellis fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include convictions for the sexual assault of children which resulted in a custodial sentence.

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 Ellis, 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 children and safeguard pupils. The panel has noted that, "...the behaviour involved in committing the offence had an impact on the safety and security of pupils." 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 it set out as follows, "There was no evidence that Mr Ellis had shown insight or remorse in respect of his conduct." In my judgement, this lack of evidence of either insight or 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 observed that it, "...found that the seriousness of the offending behaviour that led to the conviction was clearly relevant to Mr Ellis' ongoing suitability to teach given the nature of the conviction and the fact that the victims were pupils. The panel considered that a finding that these convictions were relevant offences was necessary to reaffirm clear standards of conduct and maintain public confidence in the teaching profession." I am particularly mindful of the serious nature of Mr Ellis' offences, including the sexual assault of children that he taught, and the very negative impact that this could have on the standing of the teaching 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 conviction 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 Ellis himself. The panel observed that, "There was no evidence that Mr Ellis had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector."

A prohibition order would prevent Mr Ellis 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 very serious nature of Mr Ellis' offences, including the sexual assault of children that he taught, and the absence of any evidence that he had demonstrated any insight into his behaviour and its impact on his victims.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ellis 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 very serious nature of the panel's findings, 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.

In doing so, the panel had made reference to the Advice which indicates that, where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel noted that the list of behaviours at paragraph 50 of the Advice includes '*any sexual misconduct involving a child*', which the panel found to be relevant in this case in light of Mr Ellis' convictions and the panel's findings.

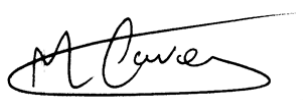
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of Mr Ellis' offences, which included the sexual assault of children that he taught, and the lack of evidence of either insight or remorse which in my judgment gives rise to the risk that this behaviour could be repeated in the future.

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 Charles Lloyd Ellis 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 Ellis 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 Ellis 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 'M. Cavey', enclosed in a thin black rectangular border.

Decision maker: Marc Cavey

Date: 29 November 2023

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