



Teaching  
Regulation  
Agency

# **Mr Paul Christensen: Professional conduct panel outcome**

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

**April 2024**

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

<b>Teacher:</b>	Mr Paul Christensen
<b>Teacher ref number:</b>	7012443
<b>Teacher date of birth:</b>	23 November 1951
<b>TRA reference:</b>	19359
<b>Date of determination:</b>	15 April 2024
<b>Former employer:</b>	Churchdown School, Gloucestershire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by way of virtual hearing on 5 to 8 February and 15 April 2024, to consider the case of Mr Christensen.

The panel members were Mr Adnan Qureshi (lay panellist – in the chair), Mrs Victoria Jackson (teacher panellist) and Mrs Emma Garrett (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Louise Ravenscroft of Capsticks LLP solicitors.

Mr Christensen was 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 22 November 2023.

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

1. On one or more occasions between or around 1982 to 1985, he:
  - a) Used sexualised language when speaking to Pupil A;
  - b) Gifted to and/or encouraged Pupil A to wear revealing and/or inappropriate clothing;
  - c) Asked Pupil A if he had engaged in sexual touching and/ or encouraged Pupil A to engage in sexual touching;
  - d) Met Pupil A alone outside of school;
  - e) Caused and/or allowed Pupil A to become intoxicated with alcohol;
  - f) Had sexual contact with Pupil A;
  - g) Used sexually explicit language in the presence of Pupil B;
2. On one or more occasions between or around 1978 to 1980, he:
  - a) Touched Pupil C's genitals;
  - b) Asked Pupil C to touch his genitals.
3. His conduct at paragraph 1 and/or paragraph 2 above was sexually motivated.
4. By his conduct set out in paragraph 1 and/or paragraph 2 he failed to observe proper professional boundaries appropriate to a teacher's professional position.
5. By his conduct set out in paragraph 1 and/or paragraph 2 he failed to take appropriate steps to safeguard pupils' wellbeing.

Mr Christensen denied all of the allegations with the exception of allegation 1(d). In relation to the one admitted allegation, it was not admitted that this amounted to unacceptable professional misconduct or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application for special measures

The TRA made an application, pursuant to paragraph 5.102 of the 'Teaching misconduct: Disciplinary Procedures for the teaching profession' ("the Procedures"), for the following witnesses to be deemed vulnerable witnesses:

- Pupil A; and
- Pupil C.

The application was on the specific and limited basis that the evidence from these witnesses addressed allegations of a sexual nature and they should not, as a consequence, be directly questioned by Mr Christensen. Mr Christensen was representing himself in these proceedings.

To address this, it was proposed that an independent advocate be appointed to perform the task of asking questions. Arrangements had been made on a pre-emptive basis to facilitate that, whereby Dr S Chelvan of 33 Bedford Row Chambers had been instructed by the TRA.

The panel was satisfied that both witnesses should be deemed vulnerable due to the nature of the allegations their evidence addressed.

The panel went on to consider whether it was appropriate for Pupil A and Pupil C to give evidence at all.

Subject to the special measure to be implemented, addressed further below, it concluded that it was appropriate for Pupil A and Pupil C to give evidence. There was no indication before the panel that their welfare would be adversely impacted.

The panel next considered what special measures were appropriate and necessary to protect the interests of Pupil A and Pupil C in accordance with paragraph 5.103 of the Procedures.

In doing so, the panel undertook a balancing exercise of the interests of the witnesses, the teacher and the wider public interest in ensuring a fair hearing.

It was of paramount importance that any and all questions Mr Christensen may have for the witnesses needed to be asked.

The panel was satisfied that the measure requested, namely the appointment of Dr Chelvan as independent counsel, would facilitate that and ensure that the witnesses' interests were protected.

The hearing process would allow for the opportunity for Mr Christensen to converse with Dr Chelvan, both prior to and during the evidence of the witnesses in question, to

formulate any questions he may have and thereby put his case. Appropriate adjournments would be provided in order for Mr Christensen to provide further instructions as necessary.

Far from compromising a fair hearing, the panel concluded such an arrangement would further it. Mr Christensen was unrepresented in these proceedings. The TRA was prepared to accept the financial burden of instructing Dr Chelvan to perform this role. The panel considered it was possible, even likely, that Mr Christensen would be assisted in putting his case by having discussions with Dr Chelvan, albeit he would not be legally represented by him.

The panel therefore directed that Pupil A and Pupil C should be deemed to be vulnerable witnesses. It further directed that they should be questioned by Dr Chelvan, as independent counsel, appointed by the TRA.

Dr Chelvan would not act as Mr Christensen's legal representative in respect of providing him with legal advice. He would be instructed in a limited capacity to put Mr Christensen's questions to these witnesses.

### **Application to admit an unredacted document**

On the morning of day 2 of the hearing, Mr Christensen drew the panel's attention to a document within the hearing bundle, entitled 'Police Regulatory Disclosure'. Parts of the document had been redacted. Immediately before one part of the redacted text, there was a comment to the effect that the following, redacted entries "*could be classed as undermining the case*".

A copy of the unredacted document was provided to Mr Christensen, who subsequently sought to admit it on the basis that he considered it was relevant, in broad terms, with particular reference to Pupil A's credibility.

The panel proceeded to consider this issue as an application to admit the unredacted page as a new document. A copy of the unredacted page was provided and carefully considered.

The panel also carefully considered the parties' submissions in relation to this issue and it accepted the legal advice provided.

Having done so, the panel was not persuaded that this document, in unredacted form, was relevant. The information set out was highly personal and sensitive.

Even considering these matters in broad terms, the panel was not persuaded that they could be relevant to any extent when it came to assessing Pupil A's evidence and credibility. The matters specified were entirely unrelated to the specific issues before the

panel and it did consider that they could be reasonably considered as part of any assessment of Pupil A's character and reliability.

Even if the panel was wrong about that and it could be said that this information was relevant, even peripherally so, the panel would still have declined to admit the document on the basis that it would be unfair to do so. The highly sensitive nature of this information, in circumstances where it could only be regarded as peripherally relevant, meant that the panel did not regard it as appropriate for Pupil A to be questioned about it, particularly when he was not on notice of that as a possibility as it formed no part of his evidence. The panel repeats that the information set out was entirely unconnected to these proceedings and the allegations before the panel.

The request was accordingly refused.

## **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 4 to 6

Section 2: Notice of proceedings and response – pages 7 to 34

Section 3: Teaching Regulation Agency witness statements – pages 35 to 59

Section 4: Teaching Regulation Agency documents – pages 60 to 194

Section 5: Teacher documents – pages 195 to 209

In addition, the panel agreed to admit a late document submitted by Mr Christensen setting out his position in response to the allegations together with an ID key prepared by the TRA.

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 heard oral evidence from the following witnesses called by the presenting officer:

- Pupil A; and
- Pupil C.

Mr Christensen also gave oral evidence to the panel.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

### Introduction

Mr Christensen commenced employment as a PE teacher at Churchdown School ("the School") in September 1977.

Mr Christensen remained in that role until 1984, when re commenced a teaching role at Deer Park School.

In 2005, Pupil C made a complaint to the police regarding allegedly inappropriate behaviour by Mr Christensen from 1978 to 1980, when Pupil C was a pupil at the School.

Whilst the police undertook an investigation, it was closed on the basis that no supporting evidence, with reference to Pupil C's complaints, was obtained.

In 2017, a separate complaint was made to the police by Pupil A. This was investigated by the police, which also reopened the previous investigation in relation to Pupil C.

Pupil A alleged that he was the victim of inappropriate behaviour by Mr Christensen from around 1982 to 1985.

Subsequently:

- On 17 April 2018, a LADO Allegations Management meeting was held by Gloucestershire County Council.
- On 11 July 2018, Mr Christensen was interviewed as part of the police investigation.
- On 29 May 2019, the police investigation was closed with no further action in relation to both complaints.

In terms of these proceedings, Mr Christensen was referred to the TRA by [REDACTED] on 17 June 2020.

### Evidence

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions.

It accepted the legal advice provided.

The panel considered this to be a complex case in terms of the nature of the evidence presented. There were various issues, which permeated the panel's findings, which are addressed by way of preliminary observations.

### **TRA evidence**

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Pupil A; and
- Pupil C.

The panel proceeded from the starting point that both witnesses gave evidence independent of the other. There was no evidence of collusion. To the contrary, they both independently raised concerns to the authorities several years apart.

The fact that there were obvious similarities and parallels between their respective accounts was a factor the panel took into account.

However, the panel did not lose sight of the need to carefully consider the evidence and reach findings in relation to each allegation individually.

### **Mr Christensen**

Mr Christensen denied all of the allegations with the exception of allegation 1(d) on a certain basis. He also denied that his actions constituted unacceptable professional conduct or conduct that may bring the profession into disrepute.

As well as his written and oral submissions, the panel took account of all of the evidence presented regarding Mr Christensen's prior career, personal and professional achievements.

But for the matters before the panel, Mr Christensen was a person of good character, with no known disciplinary or regulatory proceedings recorded against him.

This was a factor the panel took into account when considering the allegations before it.

### **Passage of time**

With reference to all of the written and oral evidence presented, the panel took into account the passage of time.

The events underpinning the factual allegations spanned the period between 1978 and 1985.

In the period since the police investigation began, Mr Christensen had been asked to account for these matters on several occasions.

The panel acknowledged that extreme caution was required when considering the memories of witnesses.

The panel adopted the approach of testing the evidence of witnesses, in the first instance, by reference to objective facts and, where available, contemporaneous documents.

The panel avoided making any initial, general assessment of the credibility of any witness by reference to their demeanour and confined its analysis to the specific allegations and consistency or lack of consistency with other evidence.

In the absence of contemporaneous documents, the panel felt that it was able to attach some weight, where appropriate, to demeanour.

The panel also made allowances for the fact that, with the passage of time, memories can fade or change.

Witnesses, whoever they may be, cannot be expected to remember, with crystal clarity, events which occurred many years ago.

From the point of view of Mr Christensen, the panel recognised that the longer the time since an alleged incident, the more difficult it may have been for him to answer the allegation.

This was a particularly important factor in this case and was considered in Mr Christensen's favour in deciding whether the allegations against him were proved, on the balance of probabilities.

### **Hearsay evidence**

The panel was also presented with hearsay evidence from individuals who were involved in relevant events. That included the evidence of Pupil B, which was subject to a specific determination at a Case Management Hearing.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

## **Irrelevant material/evidence**

The panel formed its own, independent view of the allegations based on the evidence presented to it.

That was important in this case given the references to previous decisions made, for example in connection with the police investigation.

The panel was mindful of the need to exercise its own independent judgment and not rely upon any opinions within the evidence presented to it. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

Finally, insofar as there were references, within the evidence, to other failings on the part of Mr Christensen, which did not relate to the specific allegations before this panel, these were disregarded other than to the extent they were relevant contextually.

## **Findings of fact**

- 1. On one or more occasions between or around 1982 to 1985, you:**
  - a) Used sexualised language when speaking to Pupil A;**
  - c) Asked Pupil A if he had engaged in sexual touching and/ or encouraged Pupil A to engage in sexual touching;**

The panel decided to consider allegations 1(a) and (c) together.

Both allegations were based upon specific incidents addressed in Pupil A's evidence.

Whilst the panel were invited to consider allegations 1(a) and 1(c) separately, it considered there was a clear overlap between them. It was unable to identify, for example, specific incidents said to be relevant to one and not the other. The panel was also mindful of the need to ensure fairness and that allegations were not duplicitous.

An exception to this was alleged comments/discussions that allegedly took place in the immediate lead-up to the two alleged sexual encounters relied upon in support of allegation 1(f). The panel considered that, if such comments were made, they should appropriately be considered as part of a broad assessment of those alleged incidents and not separately.

In considering allegation 1(a) and 1(c), the panel therefore limited its considerations to the specific matters and incidents set out below.

Of course, Pupil A's evidence addressed a wide range of issues and occasions that were the subject of allegation 1 as a whole.

In doing so, Pupil A also addressed his time at the School and his interactions with Mr Christensen as a [REDACTED], inside and outside of the school environment.

Whilst this evidence is not repeated, it was noted by the panel, which carefully considered Pupil A's account in its entirety.

Pupil A stated he started [REDACTED] at the School as soon as he joined the School in [REDACTED]. Mr Christensen became his [REDACTED].

Pupil A stated that this meant he saw Mr Christensen almost daily, as he trained approximately three times a week with [REDACTED] also around three times per week.

Pupil A stated that, following Mr Christensen's departure from the School in 1985, he continued to see him around three times each week as he continued [REDACTED].

Pupil A confirmed that he left School in [REDACTED], at which point he continued to [REDACTED]. He continued to see Mr Christensen throughout this period, although less frequently.

With specific reference to allegations 1(a) and 1(c), Pupil A alluded to various encounters within Mr Christensen, on unknown occasions. He stated, in particular:

- Mr Christensen asked him, "*how often do you rub yourself off*".
- Mr Christensen asked him other questions such as "*how do you touch yourself off*", if he had ever been touched sexually by anybody and what the best part of sex was.

Pupil A stated that he was unable to recall how many times Mr Christensen asked such questions, but he believed "*he asked them each time I was in his office during this period*". He could not recall whether any other personal matters were discussed on these occasions and Mr Christensen "*just started that kind of dialogue*" and "*out of the blue*".

Pupil A also addressed a specific issue whereby he stated Mr Christensen "*coercively encouraged*" him to ask out a girl involved with [REDACTED], known as Pupil B. He stated:

*"I do not remember the exact words used by Mr Christensen, but on one occasion he said something to the effect of "by tomorrow I want you to have asked Pupil B out" and he was very blunt with what he said. I also say in the police interview record that Mr Christensen told me that he was speaking to Pupil B about me and that he was on my side and would help me out by telling me what he had been speaking to her about. On one occasion Mr Christensen told me that I was going to have sex with Pupil B and that he had said to her that she should take her top off when she was with me.*

*I have also described that Mr Christensen told me what I should be doing with Pupil B including in relation to touching her. I cannot now remember what words or the vocabulary that he used but he said that I had to put my hands on her breasts. He was very interested to know about what I had and had not done with her. I have said that he was telling me about his own sex life at this point, including what he did to [REDACTED] and what she did to him. I vividly remember that he said to me was “I like it when she takes my balls in her mouth and licks the base of my cock” and that he also said that he “nibbled down her neck and down her body to her [genitalia]”. I do not now remember the word that he used for “genitalia”.*

*I interpreted his behaviour as trying to coach me sexually and to spur my relationship with Pupil B. I nervously went along and participated with the conversation, although I do not specifically remember what I said in response to him. I did not feel comfortable with Mr Christensen’s body language although I cannot say specifically what it was about his body language that made me feel uncomfortable. When he spoke to me when we were alone in his car, we were outside my parent’s house and it was dark (often around 21:00 or 22:00) and I felt uncomfortable. The conversations about Pupil B and his own sex life happened when I was alone with Mr Christensen and over a period of time, both when I spoke to him in his office during school lunchtimes and also in his car when he was providing lifts, after he dropped everyone else off. The conversations with Mr Christensen during this period were not always about personal matters and we would sometimes speak about [REDACTED].”*

On the occasion when Pupil A stayed with Mr Christensen and [REDACTED] in London, which is the subject of allegations 1(e) and 1(f), Pupil A stated that Mr Christensen “again asked me about what had happened with Pupil B, including that he asked me if I had touched her.”

Pupil A also stated that there were two specific occasions he could recall when Mr Christensen alluded to having sex with [REDACTED].

Pupil A also referred to an occasion when he could recall being invited to dinner at Mr Christensen’s house along with Pupil B and another school teacher who lived on the same street. He stated:

*“I do not now remember when this was after Mr Christensen left the School in Churchdown. I do not remember anything specific about what happened on that evening apart from that they were ‘joking’ that someone had changed a maths test question to ‘if a girl receives 90 strokes of a 6 inch cock, how many inches has she received’.”*

The above incidents and comments set out by Pupil A were those considered by the panel in the context of allegations 1(a) and (c).

Pupil A described some of these comments as being sexualised, with the benefit of hindsight. However, the panel was mindful of the need to exercise its own judgment in relation to any comments it considered were made.

Mr Christensen denied this allegation.

In his evidence to the panel, he set out his recollections of Pupil A, which he explained were limited. He felt it was a positive relationship and he could recall appointing Pupil A as [REDACTED].

Mr Christensen also referred, for example, to the fact that Pupil A maintained their connection after leaving the School. He stated that he could not reconcile Pupil A's actions post- 1985 if he had genuinely held the opinions and emotions set out with reference to events preceding that.

Insofar as Mr Christensen addressed these contextual matters in his written and oral submissions to the panel, they were taken into account by the panel in relation to each of the particulars of allegation 1.

With specific reference to allegations 1(a) and 1(c), Mr Christensen stated:

- Whilst he was not clear as what should be regarded as 'sexualised language', he was sure that, in any conversations he ever had with young persons on related subjects, he would never use words that they would not have used themselves.
- He confirmed he found some sexualised language offensive.
- He did not believe he had ever heard the term 'rubbing off' so would not have used it himself, although he did not regard it as an unpleasant expression in itself. The other examples referred to by Pupil A were put to Mr Christensen in his police interview and denied.
- In the context of his [REDACTED] activities and interactions with [REDACTED] members, he did not seek to limit the types of conversations that would have taken place as part of his approach of treating them as young adults. However, he did not believe that such conversation would have occurred at school.
- On an individual basis, generally he was prepared to discuss any topic or question raised or occasionally where he felt there was a need, based on what he had heard or seen. He considered there were things teenagers found difficult to discuss with parents, where a trusted adult "*might be useful*".
- However, he would never have "*talked someone through how to have sex*" which he believed was in "*the realms of fantasy*".

In overarching terms, Mr Christensen asserted that although conversations of a sexual nature might take place with pupils, he never used what he considered to be indecent or otherwise inappropriate language.

Although outside of the school context, the panel also noted Pupil B's evidence. Whilst hearsay, the panel had regard to the extent to which her account to the police was consistent with Pupil A's account. In the following respects, it was:

- Pupil B could recall Mr Christensen "*being cringy and inappropriate*".
- Mr Christensen told her that he was encouraging Pupil A to ask her out and, for the three months they dated, Mr Christensen "*took a lot of interest in the relationship*". He "*would always give advice about the relationship and appeared to almost coach Pupil A in what he should be doing as a boyfriend*".
- Pupil B added that Mr Christensen "*appeared very interested in the physical side of the relationship and would ask where we had our first kiss.*"
- Whilst she could not recall specific examples, Pupil B stated that she could remember Mr Christensen using explicit language to the whole team and one occasion she could remember was the subject of allegation 1(g).

Accordingly, whilst there was no direct corroboration of Pupil A's evidence, for example from other individuals who were present on the occasions he mentioned, Pupil B's account afforded some indirect corroboration.

Whilst Pupil B's recollection could not be tested, the panel was satisfied that the fact that it was recorded in a signed statement to the police meant that some weight should attach to it. Further, there was no evidence of any collusion between Pupil A and Pupil B.

Having regard to the evidence as a whole, the panel considered it was likely that Mr Christensen would have used sexualised language on occasions, as alleged, in broad terms, by Pupil A and Pupil B.

However, the panel was mindful of the need to make specific findings.

Not least, in relation to any proven allegations, it would be necessary to go on to consider whether they amounted to unacceptable professional misconduct and/or disrepute. That required an assessment of the seriousness and implications of any proven actions.

In relation to these allegations, the panel considered that the evidence regarding the precise timing and circumstances in which any specific comments were made was insufficiently clear.

Further, in the precise context of these allegations, there were aspects of Pupil A's evidence which meant that there was a need for caution, also noting the passage of time and the absence of contemporaneous records.

As an aspect of this, Pupil A put forward evidence of comments made by Mr Christensen as purported quotes. By his own admission, these comments were not documented or recorded.

That being so, the panel did not consider that it was fair and appropriate to place reliance upon purported quotes deriving from conversations that took place some 40 years ago.

Pupil A also suggested that inappropriate comments were made by Mr Christensen "*each time he was in his office*". As a statement, the panel considered that was inherently unlikely and suggested that it was possible Pupil A's recollection had been influenced by the passage of time, as could be expected, even though the panel considered he was a truthful witness who did his best to assist.

Given there was no independent corroboration to support specific comments made on specific occasions, the panel did not consider it was fair and appropriate to rely upon Pupil A's evidence wholesale in relation to these specific matters.

Their weekly interactions in the course of [REDACTED] activities outside of school added a further dimension. The panel could not exclude the possibility that, when seeking to remember these events, Pupil A may have mis-remembered occasions that he believed occurred in school with occasions that could have happened outside of school, including when he was older. At a later point in time, on occasions outside of school and mindful of this occurring in the early 80s, some discussions of a sexual nature may not have been regarded as necessarily inappropriate.

For all these reasons and notwithstanding the panel's determination that it was likely Mr Christensen would have made comments of the kind alleged, at some stage, the panel therefore found allegations 1(a) and 1(c) not proved on the basis that, due to the passage of time and in the absence of contemporary and corroborating evidence, it was unable to make specific findings in relation to specific occasions when he acted as alleged.

**b) Gifted to and/or encouraged Pupil A to wear revealing and/or inappropriate clothing;**

The TRA relied upon two occasions when Pupil A alleged that Mr Christensen either gifted him clothing or was involved in dressing him up.

The first concerned an occasion on an unknown date when Pupil A stated Mr Christensen attended his house unexpectedly.

As part of his evidence regarding this incident, Pupil A stated:

*“... he also said that he had asked someone when he was in Germany to buy some very skimpy briefs as a present for me. He brought two pairs of the briefs with him, one of which was dark blue and the other white, both of which he gifted to me, and said to me that I could wear them when I was with Pupil B. Mr Christensen asked me to undress fully and to put on the dark blue briefs...”*

Pupil A stated the second occasion occurred during a [REDACTED], which took place in 1982 when he was [REDACTED]. On one day of the camp, Pupil A stated there was an entertainment evening whereby each team had to put on a musical show. As part of this, he stated:

*“Mr Christensen spent a lot of time dressing me up as a woman, which included wearing a vest, wearing very brief briefs, sweeping my hair, putting make-up on and using balloons as breasts. I recall the eagerness of Mr Christensen to ‘help’ physically with the outfit, including hitching up the side of my swim trunks (and not “briefs” as described in the statement) so that they were more feminine, and to position the balloons that were my breasts.”*

In oral evidence, Pupil A provided some further detail regarding this, for example suggesting that the swimming briefs were tied particularly tightly so that they rode higher.

Mr Christensen denied this allegation.

In relation to the first alleged incident, he stated he had no recollection of providing any underwear for Pupil A, at any time, in any context. He added:

*“The only possible reference to underwear in my dealings with young people taking part in sport was that we advised them to use underwear which would offer them suitable support and comfort (jockstrap or briefs). That was quite usual at the time, as some of the styles worn were not best suited to sporting activity.*

*In any case, any underwear advised would be neither revealing nor inappropriate. Pupil A’s description of this underwear and the suggestion that it had been purchased in a sex shop is just ridiculous. I have most definitely never visited such a shop, nor purchased or ordered items from any similar business.”*

Mr Christensen also noted that there was reference, within the papers, to the fact that Pupil A’s [REDACTED] had been asked about this matter and could not recall such underwear, whereas as Pupil A had indicated he had to explain them to her.

In relation to the alleged incident during camp, Mr Christensen accepted that a third-year camp took place every year.

Whilst he could not recall an occasion of the type described by Pupil A, he accepted that fun events of that nature did occur. However, he did not believe that he would have encouraged Pupil A to get dressed up or involved himself in that.

The panel firstly considered the incident at the school camp.

The panel accepted that such an incident occurred and, indeed, Mr Christensen accepted that it would not have been out of the ordinary for those attending to dress up.

The panel also accepted that Mr Christensen had an involvement in Pupil A getting dressed up.

However, the panel was not persuaded that his involvement was, necessarily, inappropriate or that it was Mr Christensen who encouraged the wearing of the clothing in question, with reference to the wording of the allegation, rather than having a role in assisting Pupil A to get dressed.

In relation to the second incident, the panel's findings were inevitably intertwined with its conclusions in relation to allegation 1(f).

This was, very clearly, a remarkable and unusual occurrence, to say the least. It was, very obviously, indelibly etched into Pupil A's mind. Accordingly, the panel did not consider that the passage of time undermined the reliability of his account. Pupil A was clear. His description was stark and highly descriptive. He was consistent in his various accounts to the TRA and the police.

Further, there was no plausible motive as to why Pupil A would have wished to fabricate this story, particularly so long after the event in circumstances where it would have been incredibly difficult for him to come forward. In addition, in terms of what subsequently occurred after the provision of the underwear, the panel took account, as a factor, the similarity between Pupil A's account and that of Pupil C.

In contrast, the panel considered that Mr Christensen's evidence was certainly less persuasive. He repeatedly stressed that he could not remember this incident. The panel accepted that there was some force in the submission that this was less emphatic than an outright denial that any such incident was even conceivable.

Wherever the underwear originated from, the panel was persuaded that Mr Christensen encouraged Pupil A to wear it, on this occasion, and in all the circumstances was persuaded that it could be regarded as revealing and inappropriate given Pupil A's vivid recollection, which was accepted.

Allegation 1(b) was therefore found proved.

**d) Met Pupil A alone outside of school;**

There was no dispute as to the fact that Mr Christensen and Pupil A met up outside of school in the context of their respective [REDACTED] activities.

On one occasion, they both undertook a trip to London when Pupil A stayed with Mr Christensen and [REDACTED] at Mr Christensen's [REDACTED].

Whilst there was a dispute regarding precisely what occurred on that occasion, there was no dispute that Pupil A stayed at the property on this particular occasion. There was a separate dispute regarding whether Mr Christensen attended Pupil A's home on another occasion, the subject of allegations 1(b) and 1(f).

Having regard to the evidence as a whole, the panel was satisfied that there were times when they did meet alone. This was conceded by Mr Christensen in broad terms, whereby although he had no specific memory of meeting Pupil A, it was "*quite possible*" that he would have met him and other [REDACTED]. He added:

*"However, that it is not to say that I would not have been alone with a player in unplanned circumstances. There was no safeguarding advice covering that kind of thing at the time."*

Other than the two occasions mentioned, there was no allegation that anything inappropriate or untoward took place.

The panel found allegation 1(d) proved on that basis.

**e) Caused and/or allowed Pupil A to become intoxicated with alcohol;**

This allegation concerned the trip to London that took place in or around 1985.

Pupil A set out his recollections of the arrangements for this and what occurred, which he accepted were "*hazy*" and he was required to undertake some research, for example to elicit the reason for the trip.

Aspects of this were challenged by Mr Christensen, for example in terms of Pupil A's onward travel arrangements.

Pupil A also stated that the property they stayed at was near the Tower of London and he could recall it was Individual D's [REDACTED] property. Mr Christensen, together with [REDACTED] who provided an account as part of the police investigation, suggested this was in a part of West London.

In any event, the panel considered that the salient issue was that Pupil A stayed overnight in a property with Mr Christensen and [REDACTED], which was not in dispute.

With specific reference to this allegation, Pupil A stated:

*"I describe at page 4 of the police interview record (Exhibit CB1) having a box of red wine which I drank lots of during the course of the evening, my glass filled by Mr Christensen. I do not now remember if I started drinking the red wine as part of a meal that we had (I do not remember what we ate) or if I started to drink it afterwards. Mr Christensen, Individual D and I were all drinking the red wine, which they referred to as "bull's blood" and the whole box was being emptied. Mr Christensen and [REDACTED] repeatedly poured glasses of wine for me, which I drank. I was very drunk from the amount of red wine that I drank. ... Mr Christensen again asked me about what had happened with Pupil B, including that he asked me if I had touched her. He asked me about this at the flat after Individual D had gone to bed and whilst he was still pouring me red wine to drink."*

Mr Christensen stated that he had no recollection of this particular trip and, it follows, of Pupil A drinking alcohol.

He relied upon the recollection of [REDACTED], who was interviewed by the police. Her hearsay account was before the panel and recorded, in particular:

- She could recall the occasion in question and stated that as well as her and Mr Christensen [REDACTED], at the time, was also present.
- She knew Pupil A well and he stayed on a sofa bed in the living room.
- She had no recollection of Pupil A drinking alcohol at any stage during the trip.

The panel also noted the evidence from Pupil B. Whilst it was suggested that Pupil B also attended this trip, she had no recollection of it.

Having considered the evidence before it, the panel was persuaded by Pupil A's evidence that he would have consumed wine on the occasion in question. Mr Christensen conceded that, given Pupil A's age at the time, he would have considered it normal to have allowed him to drink wine with a meal, albeit not to the extent of him becoming intoxicated.

However, having regard to the evidence before it, including Pupil A's age at the time, the panel was not persuaded that it could necessarily be said that it was Mr Christensen who caused Pupil A to be intoxicated. There was no clear evidence regarding precisely how much Pupil A had to drink. That being so, it did not automatically follow that Mr Christensen allowed Pupil A to become intoxicated, if indeed Pupil A could be regarded as sufficiently affected by alcohol to meet that description.

Allegation 1(e) was therefore found not proved.

**f) Had sexual contact with Pupil A;**

Pupil A gave evidence in relation to two separate incidents when it was alleged that sexual contact took place between him and Mr Christensen.

The first such occasion allegedly occurred during the trip to London referred to above. Pupil A set out his account as follows:

*“Individual D went to bed and that after that, Mr Christensen and I ended up on the sofa bed in the living room laying next to each other with me on the right side and Mr Christensen to my left. I do not remember the sequence of events which led to me and Mr Christensen laying next to each other on the sofa bed, both fully dressed. I was very drunk at this point. ... he told me to undo myself and touch myself, and that he told me that he wanted me to rub myself. I unbuttoned my trousers but I did not touch my penis nor did I have an erection. Mr Christensen leaned over to look at me and he said something to the effect of “You’re not going fast enough. It’s alright, I’m doing it too.” He seemed to perceive me as being shy and reluctant to do as he asked. He unbuckled his trousers to expose his penis and he grabbed my left hand with his hand and guided my hand to his penis. My hand momentarily made contact with his penis but I pulled my hand away instantly. Mr Christensen did not have an erection from what I could tell. When I withdrew my hand, Mr Christensen put his hand back on my hand and moved my hand back to my penis. At this point, Individual D appeared at the bedroom door which led to the living room .... She said “what the fuck is going on” and Mr Christensen quickly followed her to the bedroom.”*

The second alleged occasion took place after this incident in London on the occasion, at Pupil A’s home, when Mr Christensen provided Pupil A with underwear as addressed in allegation 1(b). Pupil A stated:

*“Mr Christensen asked me to undress fully and to put on the dark blue briefs ... We then went to the spare bedroom, which used to be [REDACTED], which faced the front of the house and was on the same floor across the landing diagonally from my room, at which point I was naked apart from the briefs that I was wearing. My bedroom was second on the right and the spare bedroom was first on the left.*

*Mr Christensen asked me to lie down on the bed, which I did, and ... he asked me to touch my penis, which I did. Mr Christensen sat to the right side of the bed with his head level with my body. He said something to the effect of “If you’re gonna do this with Pupil B then I want to see you do it”. He then said “I’ll do it for you” and he touched my penis with his hand under the briefs that I was wearing. ... he was masturbating me in a specific way. It is difficult to describe, but he put the four fingers of his hand on top of my penis, and not around my penis, in a similar way to how a hand is positioned that is used to support a snooker cue. ... he then*

*briefly put my penis in his mouth and that he caused me to ejaculate. I did not ejaculate in his mouth. ... I do not remember anything else that happened afterward. This went on for no more than 10 minutes. This did not come to my mind during my interview with the police but I remember that Mr Christensen said that he needed to get back home quite quickly as [REDACTED] was jumpy about him seeing me (he referred to the car outside my house) after the incident in the flat in London.”*

Both incidents were denied by Mr Christensen, whereby he stated he had, firstly, no recollection of them and, secondly, they would not have occurred, not least as he was a heterosexual man.

The panel noted that, during the course of his police interview, Mr Christensen’s recorded response, when asked about these matters was:

*“Erm ... I don't believe they're true. I have no recollection of either.”*

In his written submission to the TRA, Mr Christensen added:

- He had no recollection whatsoever of the London trip.
- He did not recall entering Pupil A’s house at any time.
- He is solely heterosexual and had never sought a sexual relationship with another male.
- He would have derived no sexual pleasure or gratification from what Pupil A described.
- The thought of a person ejaculating in his mouth was *“totally repugnant”* to him.

In relation to alleged events in London, Mr Christensen also relied upon the hearsay account of [REDACTED]. In particular, this records:

*“During the time Pupil A was at [the flat] I did not walk in on anything sexual going on between Pupil A and [Mr Christensen]. [REDACTED]. I have also never had any suspicions about [REDACTED]”*

On balance, the panel preferred and accepted Pupil A’s evidence and it therefore concluded that it was more likely than not that both incidents occurred as he described.

First and foremost, the panel had in mind that the nature of these incidents were such that they were unlikely to be forgotten.

They had, very clearly and obviously, impacted on Pupil A throughout his life.

As with allegation 1(b), the panel did not consider that the passage of time undermined his reliability given the nature and impact of these events.

Pupil A was clear and his account highly vivid. He was consistent in his account to the TRA and, previously, to the police.

Further, the panel repeats there was no plausible motive for Pupil A to seek to fabricate these incidents.

He had nothing to gain by doing so and indeed the opposite was true. The panel recognised how difficult it must have been for him to have made his complaint to the police.

The panel also rejected Mr Christensen's suggestion that it could not be said that there was any direct similarity between the evidence of Pupil A and Pupil C.

Pupil A and Pupil C both described sexual encounters with Mr Christensen, at different times, entirely independently of each other.

The fact that there were clear differences between the sexual elements to their evidence rendered their accounts more believable.

However, there were also similarities and obvious parallels. For example, in relation to Mr Christensen telling both [REDACTED] to touch him.

There were also clear overlaps between their evidence over and above the specific incidents they referred to.

They provided similar contextual evidence, for example in terms of Mr Christensen's nicknames, his reputation and his demeanour and approach. They provided similar descriptions of Mr Christensen showering with pupils, for example.

There were no obvious inconsistencies or contradictions between their respective accounts, which were first put forward in 2005 and 2017 respectively, further demonstrating their independence.

They both presented as horrified and ashamed by what occurred whilst providing clarity and detail in relation to the specific incidents, which had a strong bearing on the panel's decision.

The clarity of their respective accounts stood in clear contrast to Mr Christensen's evidence, which it repeats was somewhat less than emphatic and relied in large part upon his status as a heterosexual man.

Further, in the absence of Individual D, the panel was unable to place any reliance upon her hearsay account. It could not be tested. [REDACTED] in the context of the police

investigation. Mr Christensen could have called her to give evidence and indeed confirmed that she was at home during the hearing. For whatever reason, he did not do so.

Her recorded account was also contradicted in nuanced respects by Pupil A, for example that part of his evidence recorded above where he could recall Mr Christensen describing Individual D as “*jumpy*”. The panel considered that was an unusual detail to recall, which rendered it the more plausible.

For all these reasons, the panel accepted Pupil A’s evidence in relation to these two incidents.

The panel was not persuaded that he was motivated by any ill-will towards Mr Christensen and that was not consistent with the time it took to bring his allegations to the attention of the police. The difficulties he would have faced in doing so rendered his account more believable, in the panel’s view, particularly when considered in conjunction with the fact that Pupil C did the same thing entirely independently.

Allegation 1(f) was therefore found proved.

**g) Used sexually explicit language in the presence of Pupil B.**

As noted, Pupil B did not give oral evidence to the panel.

The panel was presented with her hearsay account, in the form of a signed statement to the police dated 8 September 2018, which recorded the following in relation to this allegation:

*“I also remember [Mr Christensen] using very explicit language to the whole team of a sexual nature. I cannot think of specific examples but it was definitely inappropriate considering he was a teacher. I do recall one occasion when I was eating a banana and [Mr Christensen] said “that’s a very erotic way you are eating that banana.”*

As noted above, Pupil A also referred to an occasion when he and Pupil B attended Mr Christensen’s house for dinner, when it was alleged that a sexualised comment was made. However, even if such a comment had been made, there was no evidence that it was overheard by Pupil B. She did not record it in her police statement.

As with allegations 1(a) and (c), Mr Christensen denied this allegation.

On balance, the panel was persuaded it was more likely than not that Mr Christensen would have made the comment referred to by Pupil B, above.

However, the panel was not persuaded that this could be regarded as sexually explicit, albeit it was not appropriate. There were no other examples of alleged comments that met that description.

Allegation 1(g) was therefore found not proved.

**2. On one or more occasions between or around 1978 – 1980, you:**

**a) Touched Pupil C's genitals;**

**b) Asked Pupil C to touch your genitals.**

Pupil C gave evidence to the panel in relation to two separate incidents alleged to have occurred on unknown dates from 1978 to 1980.

As the alleged conduct particularised in allegation 2(a) was said to have occurred during both incidents, allegations 2(a) and 2(b) were considered together.

As a starting point, as noted above, Pupil C confirmed that he did not know Pupil A. Whilst they may have overlapped in terms of their time at the School, Pupil C confirmed that he did not recognise Pupil A's name.

The panel repeats that there was no evidence before the panel to contravene this assertion. It therefore proceeded on the basis that Pupil C's evidence was independent and unrelated to Pupil A's evidence.

In his evidence to the panel, similarly to Pupil A, Pupil C addressed broader, contextual issues in relation to his time at the School, including his recollections of the School environment, its geography and his interactions with Mr Christensen.

Whilst this evidence is not repeated, it was noted by the panel when considering the reliability of Pupil C's account.

Pupil C stated he was around [REDACTED], at the start of his second year at the School, when he first encountered Mr Christensen and he set out his recollection of games, PE lessons and [REDACTED] on behalf of the School, in broad terms.

The latter involvement was such that Pupil C stated he encountered Mr Christensen on Saturday mornings, for [REDACTED], as well as during the school week.

In relation to the first of the two incidents that were the focus of Pupil C's evidence, he stated:

- The incident took place on the School's playing fields in late spring or early summer 1979, when he was [REDACTED], though he could not be certain in terms of precisely when it occurred.

- It was around the start of the cricket season.
- During the lesson in question, Mr Christensen described, through demonstration, how boys should fit a protective cricket guard. This is to prevent injury from a cricket ball and is commonly called a 'box'.
- This was an afternoon games lesson, which would have taken place around 2pm after a lunch break.
- There could have been around 15 – 30 boys present for the lesson. Pupil C's recollection was that games lessons commonly involved two classes, so that there would be sufficient numbers to make two teams.
- Pupil C was wearing a white t-shirt and shorts, with a jock strap underneath.
- The jock strap had a separate pouch at the front for a box, which would be inserted between two layers of fabric.
- They were on an area of the playing fields approximately ten metres from one of the School's metalwork workshops.
- Mr Christensen began a demonstration by asking the pupils if any of them were wearing a jock strap. Pupil C raised his hand, which resulted in Mr Christensen selecting him for a demonstration. In relation to what happened next, Pupil C stated:

*"He was stood in front and slightly to the side of me for the demonstration. ... he put his hand down the front of my shorts, slid the cricket box into the front pocket of my jock-strap, cupped his bare hand around my genitals and lifted them so that they fitted into the guard. I think that he reached his arm down across my chest in order to put his hand down my shorts but I cannot remember exactly. I do not remember which hand he used. When I say "genitals" I mean my penis and testicles, which Mr Christensen lifted so that they became cupped into the box. There was skin to skin contact at the point when he lifted my genitals. The action was only a few seconds long but it was in full view of everyone present. Mr Christensen narrated what he was doing as he did it."*

- Pupil C stated he was immensely embarrassed by what Mr Christensen did to him but did not make any demonstration about it.

This was the first of two alleged incidents relied upon by the TRA in relation to allegation 2(a).

Pupil C stated that the second incident, which is also the alleged occasion when the contact particularised in allegation 2(b) occurred, took place in late 1979 or early 1980, when he was [REDACTED].

He stated this coincided with Mr Christensen beginning an after-school weight training class for male pupils, which was optional.

Pupil C stated that during one such session he ended up alone, with Mr Christensen, at the end of the class whilst he waited for his [REDACTED] to pick him up.

At some stage, Pupil C stated that Mr Christensen initiated an exercise called a 'straight-arm pullover', which Pupil C described in his evidence.

Whilst performing this, Pupil C stated that he was instructed, by Mr Christensen, to be careful to ensure that the bar did not injure his genitals. Thereafter, Pupil C stated he recalled:

*"... Mr Christensen putting one of his hands down the front of my shorts, inside my jockstrap and cupping and lifting my genitals with his hand. When I say "genitals" I mean my penis and testicles and there was skin to skin contact when he lifted them. Mr Christensen's right hand was inside my jockstrap to lift my genitals and his left hand was on the outside of my shorts (outer clothing) whilst he lifted my genitals upwards, along the line of my body. His hand was in contact with my genitals for a few seconds. I believe that contrary to his assertion, by doing this, it became more likely and not less likely that the weights bar would come into contact with my genitals as I brought the bar down across my thighs."*

This was the second incident relied upon by the TRA in relation to allegation 2(a).

In relation to what happened next, with reference to allegation 2(b), Pupil C stated that Mr Christensen then decided to take a turn performing the exercise and went on to describe the circumstances in which this occurred. Pupil C asserted:

*"Mr Christensen said to me "can you just lift my balls up" as he was lifting the bar up and down, which I did not respond to. ... he asked me a second time, in a more derisive tone. I do not remember exactly what words he used when he asked me for the second time, I think he repeated what he said initially but with greater imperative.*

*After I had pushed Mr Christensen's genitals from outside his clothing ... he then directed me to again raise his testicles for him as they had slipped downwards. I do not remember exactly what he said but it was something like "I need you to lift my balls up" and telling me that I must put my hand down the front of his shorts and lift his testicles, as he had done to mine. I absolutely did not want to do this and I was desperate to avoid touching his genitals. From his insistent tone and*

*repeated instruction, I did not know what else to do. ... I cannot be certain whether or not I then pushed at his genitals again from outside his clothing. Altogether during the exercise, I believe that I twice pushed at Mr Christensen's genitals from outside his clothing and then once, with great reluctance and upon his insistence, put my hand inside his trousers and lifted his genitals upwards. This was entirely at Mr Christensen's explicit direction. On the occasion that I put my hand inside his trousers and under his clothing, I lifted his penis and testicles and there was skin to skin contact. This action took no longer than was absolutely necessary – about two seconds. I was horrified at being directed to do it and therefore I did it as quickly as possible. I was so embarrassed about this assault on me by Mr Christensen and by then being directed to perform the same act on him that I buried the memory of it. I am pretty sure that Mr Christensen was not erect when I pushed at his genitals from outside his clothing, nor when I put my hand inside his trousers."*

In oral evidence, Pupil C stated he could not recall anything unusual regarding Mr Christensen's anatomy.

This was relevant because of medical evidence before the panel, [REDACTED].

Mr Christensen denied both allegations and did not accept that either incident took place as alleged by Pupil C.

In relation to the first incident, Mr Christensen stated that he had no memory of such a lesson. He stated that if there was contact with Pupil C's genitals whilst undertaking such a demonstration, this would not have been planned and was inadvertent. He stated it would not have occurred in a "sexual way".

Mr Christensen also suggested that this was an unlikely time to engage in an act that could be regarded as abusive, noting the presence of other pupils and the proximity to the main School building.

In relation to allegation 2(b), Mr Christensen denied that such an incident would have occurred and again referred to his status as a heterosexual man.

Having carefully considered the evidence, the panel arrived at the following conclusions.

Firstly, the panel was satisfied that it was more likely than not that the incident occurred on the cricket pitch, involving a box, in the manner Pupil C described.

Importantly, Mr Christensen did not seek to suggest that he would never have sought to undertake a demonstration of the type suggested by Pupil C. The panel considered that to be a material factor. Rather, he stated that if there was any contact, it was inadvertent.

In relation to the second incident, the panel also accepted Pupil C's evidence and it repeats the factors set out in allegations 1(f) regarding the consistency between the pupils' evidence and the nature of Mr Christensen's denials.

In relation to this incident, Mr Christensen confirmed that these weights sessions occurred and that pupils would often be left alone at the end. To that extent, he corroborated Pupil C's evidence.

As with Pupil A, Pupil C was a credible witness and the clarity of his account was in stark contrast to that provided by Mr Christensen. The panel was not persuaded that he was motivated by any ill-will towards Mr Christensen. Given his profession, [REDACTED], he would have faced particular challenges in bringing forward his complaint. This rendered his account more believable, in the panel's view, particularly when considered in conjunction with the consistency between his account and Pupil C's account.

The panel did take careful account of the fact that Mr Christensen referred to the medical information before the panel, [REDACTED]. He stated that this was something he was embarrassed about and meant he would never let anyone "*cup his genitalia*". In oral evidence, he suggested that for anyone to have known this would have been "*beyond acute embarrassment*". Mr Christensen also suggested this undermined Pupil C's account, given the fact that it was not something he mentioned.

However, the panel rejected this for two reasons.

Firstly, the panel was not persuaded that, having regard to Pupil C's description of the contact that occurred and the limited duration of it, Pupil C would necessarily have become aware of Mr Christensen's anatomy.

Secondly, the suggestion that Mr Christensen was embarrassed by this was undermined by his admission that he would regularly shower, fully naked, in the presence of pupils. The panel considered that if Mr Christensen was as embarrassed as he had sought to portray to the panel, he would have been unlikely to have risked being observed naked as often as he clearly was.

Accordingly, Pupil C's account of both incidents was accepted and allegations 2(a) and 2(b) were found proved.

### **3. Your conduct at paragraph 1 and/or paragraph 2 above was sexually motivated.**

Having found the facts of allegations 1(b), 1(d), 1(f), 2(a) and 2(b) proved, the panel went on to consider whether Mr Christensen's conduct was sexually motivated.

On the basis of his actions and in the context in which they occurred, the TRA submitted that the appropriate inference to draw was that his actions were sexually motivated, in

that they were in pursuit of a sexual relationship with the individuals in question or for sexual gratification.

Mr Christensen denied that he was in any way sexually motivated towards any of these former pupils. As noted above, Mr Christensen repeatedly stated his sexual orientation.

The panel also took account of the fact that Mr Christensen was a person of prior good character. Positive evidence was provided in that regard, which was unchallenged.

Mr Christensen's prior good character, particularly when considered in conjunction with the serious nature of this allegation, meant that the panel had firmly in mind the need to undertake particularly careful and vigorous scrutiny of the evidence before it.

The panel first considered its findings in relation to allegation 1(d).

The panel was not satisfied that Mr Christensen's conduct, in isolation with reference to this allegation, could be regarded as sexually motivated. Other than the specific incidents considered in relation to allegation 1(f), there was no suggestion that anything inappropriate occurred on any other occasion when Mr Christensen was alone with Pupil A. Allegation 3 was, therefore, found not proved in relation to allegation 1(d).

However, in relation to its findings in relation to allegations 1(b), 1(f), 2(a) and 2(b), and with reference to all of the incidents/acts found proved, the panel concluded that these acts were clearly, obviously and inherently sexual.

They involved physical, sexual contact with both pupils in a manner that could only be regarded as deliberate. The panel's findings in relation to allegation 1(b) were considered together with allegation 1(f) insofar as this was a single incident.

On balance and having regard to its findings, the panel concluded that the appropriate inference to draw was that his actions were sexually motivated in that Mr Christensen derived sexual gratification from each of these acts in relation to both pupils.

It could not be said, on the basis of the evidence presented, that these were acts in furtherance of a future sexual relationship. They were sexual acts of a more immediate nature.

The panel therefore found allegation 3 proved in relation to allegations 1(b), 1(f), 2(a) and 2(b).

**4. By your conduct set out in paragraph 1 and/or paragraph 2 you failed to observe proper professional boundaries appropriate to a teacher's professional position.**

In light of its findings, the panel also considered whether Mr Christensen's conduct amounted to a breach of professional boundaries.

As with allegation 3 and for the same reasons, the panel was not persuaded that the conduct found proved in relation to allegation 1(d) breached professional boundaries, particularly taking into account the fact that this occurred in the early 1980s.

However, in relation to its findings in allegations 1(b), 1(f), 2(a) and 2(b), the panel considered this was an egregious breach of professional boundaries, in any era. The panel repeats that, for the reasons set out, Mr Christensen's conduct was sexually motivated in relation to separate incidents involving two pupils.

The panel therefore found allegation 4 proved.

**5. By your conduct set out in paragraph 1 and/or paragraph 2 you failed to take appropriate steps to safeguard pupils' wellbeing.**

In light of the nature and scope of the panel's findings, the panel did not consider that this allegation, whereby it was alleged that Mr Christensen's actions failed to safeguard his pupils' wellbeing, took matters any further forward.

However, on the basis that it was self-evident that any instance of sexually motivated behaviour towards pupils could be said to be a failure to safeguard their wellbeing, allegation 5 was found proved.

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

Having found allegations 1(b), 1(d), 1(f), 2(a), 2(b), 3, 4 and 5 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".

However, the panel was mindful of the fact that this proven conduct occurred between 1978 and 1985, such that the current Teachers' Standards were not in force at that time.

In relation to allegation 1(d), the panel repeats that, with the exception of the two specific incidents found proved in relation to allegation 1(f), there was nothing inherently untoward in relation to Mr Christensen meeting with Pupil A outside of the School environment, given the time and circumstances. The panel therefore was not persuaded that this proven conduct, in isolation, amounted to unacceptable professional conduct.

However, in relation to the other proven allegations, whether considered individually or together, this was conduct that could only be regarded as extremely serious at any time and in any era.

This was misconduct which fell significantly short of the standards expected of the profession, both at the time it occurred and now.

Accordingly, the panel was satisfied that Mr Christensen was guilty of unacceptable professional conduct.

In relation to whether Mr Christensen's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 that they behave.

For the same reasons as outlined above, in relation to allegations 1(b), 1(f), 2(a), 2(b), 3, 4 and 5, the findings of misconduct are obviously serious and highly concerning. The conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Christensen's actions constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of particulars 1(b), 1(f), 2(a), 2(b), 3, 4 and 5 proved, the panel further found that Mr Christensen's conduct in relation to these allegations 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 safeguarding and wellbeing of pupils and 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 and notwithstanding the fact that Mr Christensen no longer practised as a teacher, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.

The panel considered that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Christensen was not treated with the utmost seriousness when regulating the profession. This was conduct that was extremely serious.

For the same reasons, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Christensen in the profession.

Whilst no doubt had been cast upon Mr Christensen's abilities as an educator, given the nature of the proven allegations in this case and the fact that he was a retired practitioner with no intention of returning to the profession, the panel concluded there was not a strong public interest consideration in retaining him in the profession.

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 Christensen.

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 Christensen.

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:

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, e.g. 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;
- violation of the rights of pupils; and

- deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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.

In the light of the panel's findings, it considered the following mitigating factors were present in this case:

- Mr Christensen appeared to have had an otherwise long, unblemished record in the course of 30 years of teaching, leading up to his retirement over 20 years ago. The panel was presented with positive evidence regarding his practice as a teacher and Mr Christensen's abilities as an educator had not been challenged.
- He had, separately, a long and successful association with [REDACTED] and administrator, locally and nationally. He had clearly been held in high esteem by those who had appointed him to senior positions.
- Mr Christensen had fully engaged with the TRA and attended the hearing.

Weighed against these matters, the panel considered there were aggravating factors present, including:

- Mr Christensen's actions were deliberate and he was not acting under duress.
- There was a repetition of similar conduct involving more than one pupil and spanning a long period.
- Mr Christensen's conduct amounted to a serious breach of professional boundaries.
- Mr Christensen's conduct was sexually motivated in relation to separate incidents involving two pupils.
- Whilst Mr Christensen was perfectly entitled to deny the allegations and offered a form of apology to the pupils in question, it followed that he had not accepted full responsibility for his actions. He had not acknowledged the impact and implications of his behaviour.
- Mr Christensen was in a position of trust and responsibility and was a role model. He had fallen far short of the expectations upon him as a teacher and had abused that trust, causing obvious harm to the pupils in question.

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 consequences for Mr Christensen of prohibition.

Mr Christensen's actions, as found proved, were fundamentally incompatible with his being a teacher, whether or not he intended to return to teaching. This was conduct of the most serious kind involving an abuse of trust and physical abuse of pupils. Whilst Mr Christensen had no intention of returning to teaching, the panel did not accept this meant he presented no continuing risk. Not least, at the age of 72, it was theoretically possible that Mr Christensen could engage in teaching, even if that appeared unlikely.

There was also a particularly strong public interest in this case in terms of public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

The panel was, therefore, of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Christensen.

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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include the following behaviours, which are directly applicable in this case:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the

individual has used their professional position to influence or exploit a person or persons; and

- any sexual misconduct involving a child.

In light of this and the panel's comments, above, regarding the seriousness of Mr Christensen's proven actions, the panel decided its findings indicated a situation in which a review period would not be appropriate.

The public interest considerations that Mr Christensen's actions give rise to were such that this was necessary, appropriate and proportionate.

In summary, the panel therefore decided that, in all the circumstances, the prohibition order should 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 some of the allegations proven and found that some of those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven and/or found that some allegations do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

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

The panel notes the fact that the proven misconduct occurred between 1978 and 1985, such that the current Teachers' Standards were not in force at that time and goes on to record its view that:

"In relation to allegation 1(d), the panel repeats that, with the exception of the two specific incidents found proved in relation to allegation 1(f), there was nothing inherently untoward in relation to Mr Christensen meeting with Pupil A outside of the School environment, given the time and circumstances. The panel therefore was not persuaded that this proven conduct, in isolation, amounted to unacceptable professional conduct.

However, in relation to the other proven allegations, whether considered individually or together, this was conduct that could only be regarded as extremely serious at any time and in any era.”

The panel finds that the conduct of Mr Christensen fell significantly short of the standards expected of the profession, both at the time that it occurred and now.

The findings of misconduct are particularly serious as they include a finding of sexually motivated behaviour towards school pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Christensen, 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 and safeguard pupils. The panel has observed, “In the light of the panel’s findings and notwithstanding the fact that Mr Christensen no longer practised as a teacher, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.” 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 sets out as follows, “Whilst Mr Christensen was perfectly entitled to deny the allegations and offered a form of apology to the pupils in question, it followed that he had not accepted full responsibility for his actions. He had not acknowledged the impact and implications of his behaviour.” I have noted that the panel records that Mr Christensen has left the profession and does not appear to intend to return to teaching (although the panel also notes that a return could be possible at least in theory). However, in my judgement, the lack of insight demonstrated means that there is some risk of the repetition of this behaviour and creates a risk to 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, “For the same reasons as outlined above, in relation to allegations 1(b), 1(f), 2(a), 2(b), 3, 4 and 5, the findings of

misconduct are obviously serious and highly concerning. The conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of sexually motivated behaviour in this case and the very negative 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 and conduct likely to bring the profession into disrepute, 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 Christensen himself. The panel note that "Mr Christensen appeared to have had an otherwise long, unblemished record in the course of 30 years of teaching, leading up to his retirement over 20 years ago. The panel was presented with positive evidence regarding his practice as a teacher and Mr Christensen's abilities as an educator had not been challenged."

A prohibition order would prevent Mr Christensen 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 the very serious nature of Mr Christensen's misconduct which it describes as "fundamentally incompatible with his being a teacher". I have also placed weight on the lack of evidence that Mr Christensen has developed insight into his behaviour and its impact on the pupils that were affected by it.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Christensen 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, 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 has referred to the Advice which indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include the following behaviours, which are directly applicable in this case:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons; and
- any sexual misconduct involving a child.

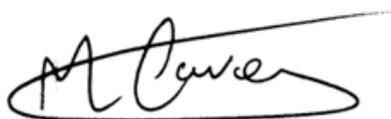
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, which included sexually motivated behaviour towards pupils, and the lack of evidence of either 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 Christensen 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 Christensen 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 Christensen has a right of appeal to 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', written over a horizontal line.

**Decision maker: Marc Cavey**

**Date: 22 April 2024**

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