



Teaching
Regulation
Agency

Mr Christopher Charlton: Professional conduct panel outcome

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

July 2024

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

Teacher:	Mr Christopher Charlton
Teacher ref number:	8909966
Teacher date of birth:	17 December 1958
TRA reference:	16680
Date of determination:	4 July 2024
Former employer:	Greenwood School, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 June to 4 July 2024 by way of a virtual hearing, to consider the case of Mr Christopher Charlton.

The panel members were Mr Duncan Tilley (Lay Panellist – in the chair), Mr Alan Wells (Former Teacher Panellist) and Ms Gill Lyon (Teacher Panellist).

The legal adviser to the panel was Ms Lucy Mosley of Blake Morgan Solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson Solicitors.

Mr Charlton did not attend the hearing 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 17 April 2024.

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

Whilst employed as a PE and Maths Teacher at Greenwoods School ('the School') between 1986-1993:

1. He engaged in inappropriate physical contact with Pupil A in or around the late 1980s to early 1990s in that he on one or more occasions:

- a. Hugged and/or cuddled Pupil A.
- b. Rubbed and/or touched Pupil A's back.
- c. Touched Pupil A's bottom.
- d. Rubbed and/or pushed his genitals against Pupil A's body.
- e. Lay on Pupil A and/or did the 'worm' on Pupil A when she was laying on the grass.
- f. Placed his hand up Pupil A's skirt.
- g. Placed his fingers in Pupil A's vagina.

2. He engaged in inappropriate physical contact with Pupil B between 1988 to 1991, in that he on one or more occasions:

- a. Tickled Pupil B.
- b. Hugged and/or cuddled Pupil B.
- c. Touched Pupil B's breasts above and/or under her clothes.
- d. Pushed his groin and/or genitals into Pupil B's body and/or stomach.
- e. Touched and/or attempted to touch Pupil B's vagina over her knickers and/or tried to take her knickers off.
- f. Placed Pupil B's hand on his penis and/or allowed Pupil B to masturbate his penis.

g. Kissed Pupil B's face and/or head.

h. Touched and/or smacked Pupil B's bottom.

3. He engaged in inappropriate physical contact with Pupil E between 1991 to 1992 in that he on one or more occasions:

a. Touched Pupil E's leg with his hand.

b. Touched and/or smacked Pupil E's bottom.

c. Rubbed his genitals and/or groin area against Pupil E's bottom.

d. Held Pupil E by her hips

4. He engaged in inappropriate physical contact with Pupil F between 1986-1990, in that on one or more occasions:

a. He hugged and/or cuddled Pupil F.

b. He held Pupil F close so that he could feel her breasts on his body and/or she could feel his genitals on her body

5. He engaged in inappropriate physical contact with Pupil I between or around 1986-1990 in that he on one or more occasions:

a. Kissed Pupil I whilst clothed and/or naked.

b. Hugged and/or cuddled Pupil I whilst clothed and/or naked.

c. Pushed his genitals and/or groin area against Pupil I's body.

d. Touched and/or squeezed Pupil I's breasts.

e. Touched and/or rubbed Pupil I's bottom.

f. Touched Pupil I under her skirt.

g. Placed Pupil I's hand and/or directed Pupil I's hand on his penis and instructed her and/or allowed her to masturbate him.

6. He engaged in and/or developed inappropriate and/or unprofessional behaviour towards one or more pupils, including by, on one or more occasions:

- a. Saying to Pupil A 'I will have you another time' or words to that effect.
- b. Saying Pupil A 'next time there will be more you don't want to be restrained again' or words to that effect.
- c. Saying to Pupil A when referring to her pyjamas, 'they would look nice on the floor', or words to that effect.
- d. Putting his arm around Pupil A and stating that they 'hadn't spent time alone together for ages' or words to that effect.
- e. Telling Pupil B that she was his 'special girl' or words to that effect.
- f. Writing letters to Pupil B.
- g. Telling Pupil B in person and/or via letter that he loved her, or words to that effect.
- h. Telling Pupil B that she 'drove you crazy' or words to that effect.
- i. Leaving notes for Pupil E.
- j. Gifting Pupil E with roses.
- k. Rubbing Pupil E's face.
- l. Telling Pupil E that he loved her and wanted her to know this or words to that effect.
- m. Calling Pupil I via telephone.

7. His conduct towards Pupils A-I as may be found proven at allegations 1-6 above was notwithstanding that one or more pupils:

- a. Were aged under 16 during one or more of the incidents.
- b. Did not consent legally and/or as a matter of fact to sexual contact with him on one or more occasions.

8. His behaviour as may be found proven at allegations 1-6 above was conduct of a sexual nature and/or was sexually motivated.

Mr Charlton denied the alleged facts. He also denied that he was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Ms Quirk confirmed that the applicable disciplinary procedures were the TRA's Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020 ("the Procedures").

Preliminary applications

Application to proceed in absence

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

This application had already been made at a case management hearing ("CMH") on 14 June 2024. However, the panel at the CMH did not consider it appropriate for it to make a hypothetical decision in relation to a future application, and concluded that this application was better made at the start of the final hearing. The panel at the CMH stated:

"The fact that Mr Charlton has, pursuant to this application, been put on express notice of the issue and the TRA's position will be something the panel will be able to consider at the Hearing, along with other relevant factors referred to it and having received legal advice."

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* [2016] TRAA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 5.23 and 5.24 of the Procedures and that the requirements for service had been satisfied.

The panel was satisfied that reasonable efforts had been made to bring the hearing to Mr Charlton's attention. He had responded to the Notice, and was clearly aware of the TRA proceedings. In his response, the teacher had indicated that he wished to have no involvement in the hearing. Mr Charlton had not objected to the hearing proceeding in his absence.

The panel was shown an email dated 28 March 2024 from Mr Charlton to the presenting officer. That email stated *"I would like to reiterate that I will not be participating in the hearing"*. Further, the panel was provided with a statement from Mr Charlton dated 9 May

2024 which stated “[REDACTED] I do not feel I can take part in the hearing and do not intend to do so”.

Most recently, the TRA sent Mr Charlton a proposed hearsay application by email on 25 June 2021. Mr Charlton responded with his comments on the application. He did not state that his position had changed, nor did he advise that he wished to participate in the hearing.

The panel therefore determined that Mr Charlton had voluntarily waived his right to participate in the hearing.

The panel went on to consider whether to proceed in Mr Charlton’s absence or to adjourn, in accordance with Rule 5.47 of the Procedures. It had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings.

The panel gave careful consideration to the fact that Mr Charlton would not be in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence. On balance, the panel decided that the hearing should continue in the absence of Mr Charlton for the following reasons:

- The panel was satisfied that the teacher’s absence was voluntary and he had waived his right to attend.
- There was no indication that the teacher might attend at a future date. As such, the panel concluded that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time, particularly in this case given the length of time between the allegations and the hearing.
- A number of witnesses were scheduled to give evidence and would be inconvenienced by an adjournment, as would the other participants in this hearing. In addition, the panel took into account the vulnerability of the witnesses and any potential effect of delay upon them.

Having decided that it was appropriate to proceed, the panel would strive to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Charlton would not be present or represented.

Application to admit hearsay evidence

A written application was made by the TRA to admit the witness statements of Pupil A and Individual A, along with their accompanying exhibits, as hearsay evidence. Ms Quirk summarised orally the application for the panel.

Specifically, the TRA sought to rely upon the evidence recorded in the following documents:

- TRA statement of Pupil A dated 26 January 2023;
- Exhibit SL1 – Police statements of Pupil A dated 13 November 2017 and 10 May 2018;
- TRA statement of Individual A dated 6 September 2022; and
- Exhibit BV1 – Police statement of Individual A dated 7 June 2018.

In considering the application, the panel was provided with the TRA's written submissions and an email response from Mr Charlton. It also had careful regard to the oral submissions provided by Ms Quirk and accepted the legal advice provided.

The panel noted that Browne Jacobson, on behalf of the TRA, had attempted to engage Pupil A as a witness. Although Pupil A provided a witness statement to the TRA on 26 January 2023 and had initially engaged with the investigation, on 18 June 2024 they advised that they did not wish to engage in the TRA process any further. The indication from correspondence with Pupil A was that they had [REDACTED], that they believed that nothing was going to happen to Mr Charlton regardless of their evidence and that they did not want to put themselves through the hearing.

In respect of Individual A, the TRA's written application stated that he had [REDACTED] and was unfit to attend the proceedings. In her oral submissions, Ms Quirk updated the panel that Individual A [REDACTED].

In relation to the admission of Pupil A and Individual A's evidence as hearsay, it was asserted on behalf of the TRA that fairness to the teacher could be achieved by admitting the evidence, and by the panel deciding what weight, if any, to attach to it.

It was further submitted by Ms Quirk that:

- Mr Charlton had had sight of the evidence ahead of the hearing, and had not raised any dispute regarding its inclusion in the TRA bundle;
- Mr Charlton disputed all of the allegations, and so challenged all of the evidence before the panel;
- There is nothing to suggest that the evidence had been fabricated;

- There is good reason for the absence of the witnesses;
- Mr Charlton faced multiple allegations of sexual misconduct. The seriousness of the allegations is not diminished in the absence of Pupil A's evidence;
- As Mr Charlton indicated that he will not attend the hearing, he would not have cross-examined the witnesses in any event;
- The TRA is also placed at a disadvantage in the witnesses not attending the hearing; and
- Individual A's evidence contained information that may assist Mr Charlton.

The panel was provided with an email response to the application from Mr Charlton. This stated *"I have read through the document provided and am concerned about point (c) under the section panel considerations 'There is no reason put forward as to fabrication of evidence, even though it is disputed'. These allegations are totally fabricated, as I have continually stressed over the past 7 years. The girls at the school were from difficult backgrounds and had many behavioural issues and this needs to be highlighted"*.

As a starting point, the panel had firmly in mind the seriousness of this case, particularly in terms of the importance of these proceedings to Mr Charlton. He faces multiple allegations of sexually motivated conduct, which, if proven, could be expected to be viewed as being very serious.

The panel respected the right of Pupil A not to attend the hearing, but considered this unfortunate given the significance of her evidence to the proceedings. There were matters that it would have wished to put to Pupil A by way of questioning, and it was deprived of that opportunity in the circumstances.

The panel deliberated on the application as it applied separately in relation to Pupil A and Individual A. It first considered whether to admit the evidence of Pupil A as hearsay. Pupil A's evidence goes directly to some of the allegations. The panel examined the extent to which there was other witness evidence corroborating Pupil A's account. This evidence appeared to be sole and decisive in relation to allegations 1 a)- g) and 6 a)- d), albeit that it also formed part of the wider context of the allegations of sexually motivated conduct. With this in mind, following the decision in *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin), the panel conducted a careful balancing exercise in determining whether to admit Pupil A's evidence, weighing up the competing factors.

The panel did not doubt that attending the hearing would be difficult and uncomfortable for Pupil A given the nature of the allegations. It also understood that it was Pupil A's belief that nothing would come of her allegations in light of the police's decision not to

pursue the matter further. Overall, the panel concluded that fairness could be met by admitting the evidence of Pupil A and assessing what weight, if any, it should attach to it. It noted in particular that Mr Charlton had been aware of Pupil A's evidence for a considerable time, and he'd had ample opportunity to respond to it.

The panel next considered whether to admit the evidence of Individual A as hearsay. Individual A's evidence does not go directly to the allegations, but deals with the circumstances at the relevant time. The panel took into account the case of *Mansaray v Nursing and Midwifery Council* [2023] EWHC 730 (Admin) which specifically dealt with the admission of hearsay evidence in circumstances where a witness [REDACTED]. It bore in mind that Individual A's evidence provides context regarding the prevailing culture of the School in the 1980s and 1990s. The panel considered that the evidence provided by Individual A largely assisted Mr Charlton, and raised doubts about the likelihood of the alleged events occurring given the way the School operated at the time. It would therefore be unfair to Mr Charlton to exclude it. Overall, the panel determined that fairness could be met by admitting Individual A's evidence and assessing what weight, if any, it should attach to it.

In summary, the panel did not consider that admitting the evidence of Pupil A or Individual A as hearsay would result in prejudice to Mr Charlton, or compromise a fair hearing.

At the outset of the hearing Ms Quirk notified the panel that Pupil E's [REDACTED], and as a result Pupil E was unsure whether she would be in a position to give evidence. It was provisionally arranged that Pupil E would give evidence on day 4 of the hearing, 2 July 2024. However, on the evening of 1 July 2024 Pupil E emailed Ms Quirk to advise that she did not feel able to attend the hearing. On 2 July 2024 Ms Quirk made a verbal application to admit the witness statement of Pupil E, along with her accompanying exhibit, as hearsay evidence.

Specifically, the TRA sought to rely upon the evidence recorded in the following documents:

- TRA statement of Pupil E dated 3 January 2023; and
- Exhibit SC1 – summary of police interview dated 20 March 2018.

In considering the application, the panel had careful regard to the oral submissions of Ms Quirk and accepted the legal advice provided.

In relation to the admission of Pupil E's evidence as hearsay, it was asserted on behalf of the TRA that fairness to the teacher could be achieved by admitting the evidence, and by the panel deciding what weight, if any, to attach to it.

It was further submitted by Ms Quirk that:

- Pupil E's evidence is relevant;
- There is nothing to suggest that the evidence had been fabricated;
- There is good reason for the absence of the witness;
- It would not be appropriate to summons Pupil E in the circumstances;
- As Mr Charlton has not attended the hearing, he would not have cross-examined the witness in any event.

Ms Quirk also directed the panel to Rule 5.105 of the Procedures, which relates to vulnerable witnesses. In response to panel questions regarding the future availability of Pupil E, Ms Quirk stated that as Pupil E's [REDACTED], she did not expect her availability to change in the coming few days. She accepted that it might be possible for Pupil E to give evidence at a later date, but this was unlikely to be within the last three days scheduled for this hearing. Ms Quirk was clear that the TRA did not seek an adjournment for Pupil E to give evidence on a future date, as she stated that it was in the interests of justice for the TRA, the witnesses and Mr Charlton that this case be dealt with as expediently as possible.

As a starting point, the panel had firmly in mind the seriousness of this case, particularly in terms of the importance of these proceedings to Mr Charlton. He faces multiple allegations of sexually motivated conduct, which, if proven, could be expected to be viewed as being very serious.

The panel understood why Pupil E could not attend the hearing and had no reason to doubt the reason given. It considered that the TRA had taken steps to be as flexible as possible to secure her attendance during the scheduled hearing. The panel considered it unfortunate that Pupil E could not attend the hearing given the significance of her evidence to the proceedings. There were matters that it would have wished to put to Pupil E by way of questioning, and it was deprived of that opportunity in the circumstances.

Pupil E's evidence goes directly to some of the allegations. The panel examined the extent to which there was other witness evidence corroborating Pupil E's account and that her evidence appeared to be sole and decisive in relation to allegations 3 a)- d) and 6 i)- l), albeit that it also formed part of the wider context of the allegations of sexually motivated conduct. To some extent its reliability could be tested by way of reference to the evidence provided by the other former pupils. With this in mind, following the decision in *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin), the panel conducted a careful balancing exercise in determining whether to admit Pupil E's evidence, weighing up the competing factors.

The panel determined that it would not be in the interests of justice to adjourn the case. There was no indication that Pupil E would feel able to participate in the proceedings at a future date. There is a public interest in hearings taking place within a reasonable time, particularly in this case given the length of time between the allegations and the hearing. The panel bore in mind that three witnesses had already given evidence, and any delay could potentially have an effect upon them, especially taking account of their vulnerabilities. The panel also felt that it was in Mr Charlton's interests that the case be dealt with expediently.

Overall, the panel concluded that fairness could be met by admitting the evidence of Pupil E and assessing what weight, if any, it should attach to it. It noted in particular that Mr Charlton had been aware of Pupil E's evidence for a considerable time, and he'd had ample opportunity to respond to it.

In summary, the panel did not consider that admitting the evidence of Pupil E as hearsay would result in prejudice to Mr Charlton, or compromise a fair hearing.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 6

Section 2: Notice of proceedings and response – pages 8 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 120

Section 4: Teaching Regulation Agency documents – pages 123 to 174

Section 5: Teacher documents – pages 177 to 193

In addition, the panel agreed to accept a written hearsay application on behalf of the TRA, and Mr Charlton's written response to that application.

The panel noted that page 2 of Pupil F's police interview notes appeared to be missing from the TRA's bundle. This was raised with Ms Quirk who explained that the police had confirmed that they had provided all the documents in their possession. As Pupil F was appearing at the hearing to provide live evidence, the panel decided that it would have the opportunity to obtain a direct account from her to clarify any missing information. In the circumstances, it did not consider it proportionate to delay the hearing in order to ask the police to attempt to locate the missing page.

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

Witnesses

The panel heard oral evidence from Pupil B, Pupil F and Pupil I, who were all former pupils at the school. These witnesses were called by the presenting officer.

At the CMH on 14 June 2024 the panel granted the TRA's application for special measures and made the following directions:

1. Pupil A, Pupil B, Pupil E, Pupil F and Pupil I shall be considered vulnerable witnesses.
2. Pupil B and Pupil F shall be permitted to give evidence via video link.
3. Mr Charlton shall turn his camera off when Pupil F gives evidence so that they shall not be required to see him.
4. If Mr Charlton attends the Hearing and is unrepresented, an independent advocate appointed by the TRA shall ask questions of Pupil A, Pupil B, Pupil E, Pupil F and Pupil I on his behalf.

These directions were applied at this hearing in so far as they were applicable, given the absence of the teacher throughout.

The panel did not hear oral evidence from Mr Charlton, or from any witnesses on his behalf.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Between the late 1980s and early 1990s, Mr Charlton was employed as a PE and Maths teacher at Greenwood School in Essex ("the School"). This was a boarding school for girls with behavioural and learning difficulties. Some pupils boarded at the School throughout the academic year. Some of the pupils who boarded would be able to go home at the weekends whilst others would only go home during the school holidays. The School had fewer than 100 pupils and closed in 1999.

Pupils A, B, E, F and I attended the School at some time in the late 1980s and/ or early 1990s. During this time Mr Charlton performed academic and/ or pastoral duties in relation to each of those pupils.

In 2012 Pupil B told her Social Worker that she had been a victim of sexual abuse when attending the School. She made a complaint to the police, but no further action was taken at that point.

In 2017 Pupil B and other pupils reported to the police that they had been sexually abused by Mr Charlton whilst at the School.

After investigation, on 2 July 2020 the police decided to take no further action. As a result there was no criminal prosecution.

Mr Charlton was referred to the TRA in late 2020.

The panel acknowledged that extreme caution was required when considering the memories of witnesses. The panel recognised that it was appropriate to approach testing the evidence of witnesses, where possible, by reference to objective facts and any contemporaneous documents. However, there was very little in the way of such documentation in this case. In these circumstances, the panel felt that it was able to attach some weight, where appropriate, to the demeanour of witnesses. That said, 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.

The panel also recognised that it was dealing with matters that were alleged to have taken place many years ago. The panel made allowances for the fact that, with the passage of time, memories can fade or change. Witnesses cannot be expected to remember with crystal clarity events which occurred many years ago.

Findings of fact

The findings of fact are as follows:

Whilst employed as a PE and Maths Teacher at Greenwoods School ('the School') between 1986-1993:

1. You engaged in inappropriate physical contact with Pupil A in or around the late 1980s to early 1990s in that you on one or more occasions:

- a. Hugged and/or cuddled Pupil A.**
- b. Rubbed and/or touched Pupil A's back.**
- c. Touched Pupil A's bottom.**
- d. Rubbed and/or pushed your genitals against Pupil A's body.**

e. Lay on Pupil A and/or did the 'worm' on Pupil A when she was laying on the grass.

f. Placed your hand up Pupil A's skirt.

g. Placed your fingers in Pupil A's vagina.

The panel decided to admit the hearsay evidence of Pupil A and determine what weight (if any) to attach to it.

In her TRA statement made in 2023, Pupil A said that she attended the School in the late 1980s and early 1990s when she was [REDACTED]. She boarded at the School during term time and went home during the half term holidays. She stated that she used to call the School a "bad girl school". She further explained that pupils could lose privileges if they misbehaved.

Pupil A recalled that Mr Charlton taught Maths and PE at the School, and he was also [REDACTED]. She found him overly friendly and said that he would try to relate to students as a friend rather than a teacher. Pupil A's evidence was that she saw Mr Charlton as a "father figure" and stated that this was the case for many students at the School. She described him as "a good looking teacher and a lot of the girls fancied him". Pupil A stated it was obvious that Mr Charlton enjoyed the attention.

The panel saw evidence that hugging was commonplace at the School, although not all teachers did hug pupils. Pupil A stated "hugging teachers was normal at the School and members of staff would hug the pupils if we were upset". Mr Charlton's cuddles were different to normal hugs. When he hugged her he would rub himself against her by pushing his penis into her and would squeeze harder than the other teachers. She described this as like having a partner cuddle you, not a teacher. Pupil A stated that when she first joined the School, Mr Charlton would wink at her, touch her hair and run his hand down her back.

A punishment for misbehaving was to sit alone in a classroom with a teacher. Pupil A stated; "as I was often in trouble and would be punished, I spent a lot of time alone in Mr Charlton's classroom particularly in the evenings in his maths classroom". Pupil A recalled one of the first occasions when she was alone in the classroom with Mr Charlton. He told her she could clean the blackboard. He walked closely behind her and began rubbing himself against her by pushing his penis into her. Subsequently, due to her behaviour, Pupil A would frequently have to sit with Mr Charlton in his classroom. She said he would always rub himself against her if they were alone.

Pupil A also described an incident when she was sunbathing on the field with some friends. Mr Charlton came over and did "the worm" on top of her. In hindsight, Pupil A thought that Mr Charlton had been rubbing and touching her to test the waters to see

whether she would tell anyone. When she didn't, his touching became more frequent and intimate. She believed that Mr Charlton had groomed her from when she first started at the School. His behaviour developed gradually when he realised he could get away with it.

Pupil A recalled Mr Charlton's Maths classroom. She described it as very isolated and far away from the rest of the School. It didn't have any windows you could see through and only a small window on the door. She said that he would lock the door when she was in the classroom with him alone. On one occasion when Pupil A had had a fight with another pupil she was taken to the classroom as punishment. Mr Charlton told her to clean the board and put away the table and chairs. He came up behind her and rubbed himself against her. Mr Charlton told her to do the washing up. As she was stood at the sink he ran his hand down her back, came up very close [REDACTED]. He asked her; "is that nice?" and whether she would like to do other things. There was a noise outside the classroom and Mr Charlton stopped. He told her they would have to carry on another day and ran his fingers down her back and onto her bottom.

A similar incident happened 3 to 4 days later. Mr Charlton again [REDACTED] and said; "you'll like this". Pupil A said the maths room was a place where Mr Charlton could do anything he liked and get away with it. Pupil A recalled Mr Charlton [REDACTED] on multiple occasions around the time she was doing her GCSEs. She was worried he would try to have sex with her and so avoided him at every possible opportunity. Pupil A also recalled Mr Charlton hanging around in the changing room whilst the pupils were getting changed for PE. Pupil A secured a place at the School's sixth form, but decided not to return as she did not want to see Mr Charlton.

The panel also took into account the notes of two interviews Pupil A had given to the police in 2017 and 2018. These were largely consistent with the account she provided to the TRA.

Pupil A stated that she did not tell anyone what was happening as she saw it as normal at the time. She said the pupils were viewed as "bad girls" and they didn't think anyone would believe them if they said anything. Pupil A said that Mr Charlton told her she was "his special girl", and she didn't realise at the time that he was also abusing other pupils.

Mr Charlton denied all the allegations made against him by Pupil A. He claimed that they were fabricated by the former pupil, but the panel noted that the teacher provided no explanation as to why such fabrication may have taken place.

The panel found the evidence of Pupil A in relation to these allegations to be credible. Whilst the panel recognised that the statement of Pupil A is hearsay, and it needed to treat her evidence with the appropriate caution, it considered her account to be detailed and substantially consistent. The panel felt that it was possible to attach some weight to

this hearsay evidence given that Pupil A had signed a statement of truth confirming that the contents of her TRA statement were accurate.

To the extent that there were any inconsistencies between the accounts provided to the police and the TRA, the panel felt that this could be explained by the passage of time. There was no material inconsistency which affected the reliability of Pupil A's evidence.

The panel noticed similarities between Pupil A's experiences and the accounts given by other pupils. Their accounts were broadly supportive of one another and painted a clear picture of Mr Charlton and the pattern of his behaviour. There was nothing in the evidence to disprove Pupil A's account, and no evidence of collusion with other pupils. Whilst Pupil A provided a unique account of what had happened to her personally, it was apparent that Mr Charlton had demonstrated a very similar pattern of behaviour towards a number of pupils. In Pupil A's case this had started with cuddles and escalated to touching her intimately when his behaviour went unchallenged. The panel concluded that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 1a)- g) proven.

2. You engaged in inappropriate physical contact with Pupil B between 1988 to 1991, in that you on one or more occasions:

a. Tickled Pupil B.

b. Hugged and/or cuddled Pupil B.

c. Touched Pupil B's breasts above and/or under her clothes.

d. Pushed your groin and/or genitals into Pupil B's body and/or stomach.

e. Touched and/or attempted to touch Pupil B's vagina over her knickers and/or tried to take her knickers off.

f. Placed Pupil B's hand on your penis and/or allowed Pupil B to masturbate your penis.

g. Kissed Pupil B's face and/or head.

h. Touched and/or smacked Pupil B's bottom.

Pupil B said that she attended the School between 1989 and 1992 when she was [REDACTED]. She boarded at the School from Mondays to Fridays and often went home at weekends. Pupil B said that she liked the School [REDACTED]. She told the panel that it was a loving and family oriented environment, and she developed a strong bond with other pupils. Pupil B told the panel that there was a privileges system, with privileges being earned or lost depending on behaviour.

Pupil B said that Mr Charlton taught her PE and Maths. She recalled that he was friendly to pupils and that girls would often sit on his lap and cuddle him. Pupil B told the panel that staff at the School were affectionate towards pupils and it was normal for teachers to cuddle them. She stated that when she started at the School Mr Charlton would cuddle her and tickle her under her armpits. His cuddles were different to those given by other teachers.

She recalled an incident when she was aged [REDACTED]. Mr Charlton led her and some other pupils upstairs to the dorms one lunchtime to brush their teeth as they wore braces. Mr Charlton held the door open for them and as Pupil B walked through Mr Charlton asked her for a cuddle. As they hugged Pupil B noticed that Mr Charlton touched the side of her breast. She thought he was trying to tickle her and told him to stop. He responded by winking and telling her that he didn't tickle her. Pupil B explained that at the time she didn't think much of the incident, but in hindsight she felt that this was Mr Charlton's way of testing her reaction to see whether he could continue to touch her inappropriately. The following day Mr Charlton touched her breast and from that time onwards the touching became a frequent occurrence.

Pupil B described the touching and cuddling as happening every day. For the first six months after the tickling incident, Mr Charlton would hug and cuddle her and when he did he would touch her breasts and bottom over her clothing. After around six months this progressed to touching her breasts and bottom under her clothing. She told the panel that there were several times when Mr Charlton [REDACTED].

Pupil B recalled that after around one year of touching her inappropriately, Mr Charlton placed her hand on his penis and moved it up and down. This started to happen frequently and would usually take place on the stairs after school hours with Mr Charlton. The touching of his penis was initially over his trousers but after about 6 months this developed into her hand being inside his trousers to masturbate his penis to the point of ejaculation. When this happened, Pupil B would usually be facing away from Mr Charlton and he would be touching her breasts and bottom and pushing his penis against her back. Afterwards Mr Charlton would kiss her on the top of her head, smack her bottom and send her up to bed. Pupil B couldn't recall whether Mr Charlton spoke to her when she was touching his penis, but she did remember him telling her words to the effect that she was a little minx and that she had been sent by the devil to tempt him away from his wife.

Pupil B said that Mr Charlton would often cuddle her in front of other pupils. It would have appeared as if they were just hugging, but he would squeeze her tightly or push his penis into her stomach and body. The majority of the time the cuddles with Mr Charlton happened in private when Pupil B had stayed behind to help him with something, such as a sports club. She explained that it wasn't unusual for her to be asked to stay behind class to assist teachers as she was a well-behaved and trusted pupil. Those cuddles often lasted for about an hour. Pupil B said that Mr Charlton would take every opportunity to touch her breasts and bottom, and that this would happen in the Maths room and the PE room.

Pupil B told the panel that Mr Charlton's attention made her feel special. [REDACTED]. She felt that the sexual abuse caused her to behave differently. She had been a "good girl" at the School, but she started "playing up". She said this was noticed by her IT teacher who asked her what was going on, but she didn't tell him about Mr Charlton.

Pupil B recalled telling a fellow pupil at the School about Mr Charlton's behaviour. That pupil told Pupil B that Mr Charlton had kissed her. The pupil told other pupils about Mr Charlton and Pupil B and they were nasty to Pupil B, so she didn't tell anyone else about it. Pupil B also told the panel that she didn't report what was happening as she didn't want to get Mr Charlton into trouble. She was doing well at the School and didn't want to spoil her progress or make her parents angry.

The panel also took into account the transcript of Pupil B's police interview in 2017. The contents were largely consistent with the account she provided to the TRA in 2022 and at this hearing. To the extent that there were any inconsistencies between the accounts provided, the panel felt that this could be explained by the passage of time. There was no material inconsistency which affected the reliability of Pupil B's evidence.

Mr Charlton denied all the allegations made against him by Pupil B. He claimed that they were fabricated by the former pupil, but the panel noted that the teacher provided no explanation as to why such fabrication may have taken place.

The panel found the evidence of Pupil B in relation to these allegations to be credible. It was able to directly ask questions of Pupil B and test her evidence during the hearing. Her accounts to the police and the TRA were detailed and consistent. In the panel's view Pupil B did not elaborate or embellish her story. In particular, she was clear that when Mr Charlton attempted to touch her [REDACTED].

The panel noticed similarities between Pupil B's experiences and the accounts given by other pupils. Pupil B's version of events was consistent with Mr Charlton's pattern of behaviour towards other pupils, but there was no evidence of collusion with other pupils. The panel was also of the view that Pupil B's reasons for not reporting Mr Charlton sooner were credible. The panel concluded that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 2a)- h) proven.

3. You engaged in inappropriate physical contact with Pupil E between 1991 to 1992 in that you on one or more occasions:

a. Touched Pupil E's leg with your hand.

b. Touched and/or smacked Pupil E's bottom.

c. Rubbed your genitals and/or groin area against Pupil E's bottom.

d. Held Pupil E by her hips.

The panel decided to admit the hearsay evidence of Pupil E and determine what weight (if any) to attach to it.

In her TRA statement made in 2023 Pupil E said that she attended the School between 1989 and 1992 and then between 1993 and 1998. She was [REDACTED] when she started and [REDACTED] when she re-joined the School.

Mr Charlton was Pupil E's personal tutor. She described him as "overly friendly" and said he "creeped me out". Pupil E recalled a one-to-one tutor session with Mr Charlton where he had touched the top of her right leg with his hand. On another occasion he smacked her bottom. Pupil E said that she didn't report the incidents as she was too scared and she didn't think anyone would believe her.

Pupil E was able to recall an incident when she was in a class and Mr Charlton had rubbed his genitals on her bottom whilst they were clothed. She said she did report this incident to a staff member, but nothing was done about it.

Pupil E disclosed a time when Mr Charlton had rubbed her face and said "I love you". He began to leave her gifts of roses and chocolates. Sometimes he gave her the roses in person and on other occasions he would leave them around the School for her to find, telling her "this is our little secret". Pupil E stated that Mr Charlton's behaviour made her feel uncomfortable. She was too scared to tell anyone about the gifts and didn't keep them. As a result of Mr Charlton's behaviour she changed personal tutors at her request.

The panel also took into account the notes of Pupil E's ABE interview with the police in 2018. In that interview Pupil E stated that Mr Charlton's hands were on either side of her hips during the incident in the toilet.

Mr Charlton denied all the allegations made against him by Pupil E. He claimed that they were fabricated by the former pupil, but the panel noted that the teacher provided no explanation as to why such fabrication may have taken place.

Whilst the panel bore in mind that both Pupil A and Pupil E's evidence was hearsay, and it accepted the evidence of Pupil A, the account of Pupil A was more detailed and consistent in what she told the police in 2017 and the TRA in 2023. The panel noted a number of inconsistencies between the account given by Pupil E in her police interview and the statement she provided to the TRA. These were material inconsistencies which affected the reliability of Pupil E's evidence. Unfortunately, as Pupil E was not present at the hearing, the panel did not have the opportunity to test her evidence.

The panel was satisfied that Pupil E had done her best to assist the panel in giving her evidence. However, there were inconsistencies in her evidence which the panel regarded as significant and which could not be fully explained by the passage of time. The panel concluded that, in isolation, Pupil E's hearsay evidence could not be relied upon in order to find the allegations proven.

The panel found allegation 3a)- d) not proven.

4. You engaged in inappropriate physical contact with Pupil F between 1986-1990, in that on one or more occasions:

a. You hugged and/or cuddled Pupil .

b. You held Pupil F close so that you could feel her breasts on your body and/or she could feel your genitals on her body.

Pupil F said that she attended the School between 1984 and 1988 when she was between [REDACTED]. She initially boarded at the School for [REDACTED]. Pupil F recalled that she would often lose privileges if she misbehaved, which would mean that she had to do chores. She told the panel that male teachers at the School would be "quite violent" towards pupils when they did not behave, and would regularly take them to the floor, sit on them and pin their arms behind their backs.

Pupil F recalled that Mr Charlton taught her PE and possibly Maths. When she first started at the School she found him to be nice and affectionate. She described the pupils seeing him as a father figure. However, as she got to know him better he became more "flirtatious" and "touchy feely". Whilst it was normal at the School for teachers to hug pupils, Mr Charlton would cuddle her from the front in a way which meant that he could feel her breasts against his body and she could feel his penis. He would often have an erection. She described these cuddles as happening on a regular basis from around the [REDACTED]. Pupil F told the panel that Mr Charlton would hug her in this way when they were alone, but if they were in public he would just give her a normal cuddle from

the side. Initially she thought Mr Charlton was being friendly, but as she got older it made her feel uncomfortable and she didn't want to be in a room with him on her own.

Like Pupil A, Pupil F remembered that Mr Charlton would come into the PE room whilst the pupils were getting changed. She said that he would look at her in a way that made her feel uneasy.

Pupil F said that she did not tell anyone what had happened at the time as she did not think that she would be believed. She said that pupils at the School were labelled "the naughty girls" and that the teachers didn't believe anything they said.

The panel also took into account the notes of Pupil F's police interview in 2017. The contents were largely consistent with the account she provided to the TRA in 2023 and in her oral evidence. To the extent that there were any inconsistencies between the accounts provided, the panel felt that this could be explained by the passage of time. There was no material inconsistency which affected the reliability of Pupil F's evidence.

Mr Charlton denied all the allegations made against him by Pupil F. He claimed that they were fabricated by the former pupil, but the panel noted that the teacher provided no explanation as to why such fabrication may have taken place.

The panel found the evidence of Pupil F in relation to these allegations to be credible. It noted that there was an inconsistency between her recollection of the date that Mr Charlton joined the School, and the start date provided by the other witnesses and documentary evidence. However, the panel felt that this could be explained by the passage of time. It concluded that it was not a material inconsistency and did not undermine her overall credibility.

It was able to ask questions of Pupil F and test her evidence during the hearing. Her accounts to the police and the TRA were detailed and consistent. Pupil F was open with the panel about facts which she didn't recall, and said that she had blocked a lot out from her time at the School.

The panel noticed similarities between Pupil F's experiences and the accounts given by other pupils. Pupil F's version of events was consistent with Mr Charlton's pattern of behaviour towards other pupils, but there was no evidence of collusion with other pupils. The panel was also of the view that Pupil F's reasons for not reporting Mr Charlton sooner were credible. The panel concluded that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 4a) and b) proven.

5. You engaged in inappropriate physical contact with Pupil I between or around 1986- 1990 in that you on one or more occasions

- a. Kissed Pupil I whilst clothed and/or naked.**
- b. Hugged and/or cuddled Pupil I whilst clothed and/or naked.**
- c. Pushed your genitals and/or groin area against Pupil I's body.**
- d. Touched and/or squeezed Pupil I's breasts.**
- e. Touched and/or rubbed Pupil I's bottom.**
- f. Touched Pupil I under her skirt.**
- g. Placed Pupil I's hand and/or directed Pupil I's hand on your penis and instructed her and/or allowed her to masturbate you.**

Pupil I said that she joined the School in around [REDACTED] and attended between the [REDACTED]. Pupil I said she loved the School and the teachers and pupils were like a big family. She didn't recall the privileges system, but did remember being made to write out lines for challenging behaviour.

Pupil I recalled that Mr Charlton was her PE and Maths teacher. He used to take pupils to events and do activities with them, as well as holding after school groups. She found Mr Charlton to be a lovely teacher and she had a good relationship with him. Pupil I said that she found Mr Charlton kinder and more gentle than the other male teachers, and she felt that he was a friend who she could have a laugh with.

Pupil I recalled a number of occasions in which she had been in the School minibus with Mr Charlton, which she referred to as a "van". In her oral evidence, she clarified that this was a minibus which was used for school trips. She described the layout of the minibus. It had a front seat and bench seats down each side. Individual A's witness statement to the panel recalled Mr Charlton taking pupils out on trips in a minibus, and Mr Charlton himself accepted in his police statement that he would sometimes use the minibus for school trips.

Pupil I recalled that Mr Charlton would flirt with her. The first time something physical happened between them was when she was aged around [REDACTED] and being taken in the minibus with other pupils for a cross country run. On this occasion Pupil I felt too unwell to run and Mr Charlton stayed in the minibus with her. Whilst they were in the minibus he started kissing her. She enjoyed the attention and kissed him back. They continued kissing and cuddling whilst the rest of the girls were out running. From that point onwards, she and Mr Charlton would touch, kiss and cuddle on a regular basis. Pupil I said she was happy to touch, kiss and cuddle with Mr Charlton as doing so made her feel special. She stated that physical interaction would happen between them at every opportunity. If they passed in the corridor Mr Charlton would stroke her hair, squeeze her breasts or rub her bottom. The panel was satisfied that Mr Charlton had touched and squeezed Pupil I's breasts and touched and rubbed her bottom.

When she went out in the minibus to sports events, Pupil I remembered that she would sit behind Mr Charlton whilst he was driving and reach around between his seat and the driver's door to stroke his leg. When they drove to cross country events he would often tell her to pretend she had a headache so she didn't have to run and they could sit in the minibus to kiss and cuddle. Sometimes she would sit in Mr Charlton's classroom and he would touch her under her skirt. In Maths class with other pupils she said she used to sit at the front next to Mr Charlton's desk. He would pretend to drop his pen so that he could bend down and rub his hand under her skirt.

Pupil I told the panel that Mr Charlton was renowned for what the pupils would call "special cuddles". These special cuddles were different from normal cuddles given by other teachers, as Mr Charlton would push his penis against pupils. Pupil I recalled him doing this to her on some occasions and said that the way he would hold her didn't feel like a normal cuddle. She said that the pupils would laugh about it and talk about Mr Charlton's "special cuddles". She described Mr Charlton wearing "tight, shiny sports trousers" and that the outline of his penis was visible.

The panel took into account a statement from an English teacher at the School which was given to the police in 2017. She joined the School in [REDACTED]. The teacher recalled Mr Charlton teaching Maths and PE and that he was one of the younger staff members. She said that he would get a lot of attention from the students and described him as vain and that he seemed to enjoy the attention. The teacher described Mr Charlton as naïve and said that she and other staff members would tell him to make sure he was in public when he saw the girls. Whilst she described it as not unusual for staff members to hug the children, they all understood that male staff had to be particularly careful due to the school being only for girls. The panel recognised that the statement from the English teacher is hearsay. It therefore considered her evidence with the appropriate caution and attached less weight to her evidence than it did to the live evidence heard at the hearing. However, it considered that the English teacher's account of Mr Charlton being popular amongst girls at the School and enjoying the attention they gave him supported the description provided by Pupil A, Pupil B, Pupil E, Pupil F and Pupil I.

Pupil I recalled an occasion when Mr Charlton had accompanied the pupils to the local public swimming baths. He had pushed Pupil I into a double changing room and kissed and cuddled her whilst she was topless and changing into her bikini. Afterwards Mr Charlton had asked her "what do you think would have happened if we'd both got naked in there?". The panel concluded that Mr Charlton had kissed and hugged Pupil I on this occasion whilst she was naked.

On another occasion Pupil I and Mr Charlton were alone in his classroom. He locked the door and as they were kissing and cuddling he guided her hand under his clothes and started rubbing it up and down on his penis over his underpants for a few seconds. She recalled feeling quite nervous that he might try to have sex with her, but he didn't. In Pupil

I's evidence she stated that she did not believe that her actions amounted to masturbating Mr Charlton. The panel disagreed. In the view of the panel, placing Pupil I's hand on his penis and rubbing it up and down did amount to allowing Pupil I to masturbate him.

Pupil I said that that whilst she was at the School she told her friend that she had kissed Mr Charlton. That friend had told a teacher who had come to speak with Pupil I. The teacher told Pupil I that she shouldn't be saying things like that about a teacher and Pupil I apologised and said she had said it as a joke. She told the panel that she didn't tell anyone else as she was having fun and it made her feel special that Mr Charlton fancied her. She also didn't want to get Mr Charlton into trouble.

The panel also took into account Pupil I's witness statement to the police in 2020. In that statement Pupil I told the police that she had engaged in a relationship with Mr Charlton. She said that this was entirely consensual and she enjoyed the attention she received. Pupil I explained that in hindsight the relationship was inappropriate and that Mr Charlton had abused his position of trust. However, she did not support a police prosecution.

The panel took into account the statement provided by Individual A who was employed by the School as a teacher between 1975-1980 and as a [REDACTED] between 1992-1998. He was not therefore present at the School for the entirety of the relevant time period. Individual A's evidence provides context regarding the prevailing culture of the School in the 1980s and 1990s. He explained that as far as he can recall writing letters to pupils was not encouraged or endorsed. He also confirmed that staff would only hug pupils in public when more than one staff member was present. He said that male staff members were not left alone with pupils other than during timetabled lessons or group activities. In his account to the police, Mr Charlton also stated that he was never left alone when teaching pupils. Individual A did not recall witnessing anything untoward in Mr Charlton's behaviour.

Individual A's statement was hearsay evidence and the panel therefore considered it with the appropriate caution. The panel attached less weight to Individual A's evidence than it did to the live evidence heard at the hearing. It considered that whilst there may have been policies in place at the School to ensure that professional boundaries between teachers and pupils were in place, procedure is subject to compliance with procedure. There was evidence before the panel from Pupils A, B and I that Mr Charlton acted opportunistically. He would manufacture situations in which he could get them alone and would then take the opportunity he had created to abuse his position.

Mr Charlton denied all the allegations made against him by Pupil I. He claimed that they were fabricated by the former pupil, but the panel noted that the teacher provided no explanation as to why such fabrication may have taken place.

The panel found the evidence of Pupil I in relation to these allegations to be credible. It was able to directly ask questions of Pupil I and test her evidence during the hearing. Her account to the TRA was detailed and consistent. The panel found Pupil I to be an open and honest witness. The fact that some thirty years later Pupil I still appeared to have some sympathy for Mr Charlton's actions suggested to the panel that she had no reason to get Mr Charlton into trouble.

The panel noticed similarities between Pupil I's experiences and the accounts given by other pupils. Pupil I's version of events was consistent with Mr Charlton's pattern of behaviour towards other pupils, but there was no evidence of collusion with other pupils. The panel was also of the view that Pupil I's reasons for not reporting Mr Charlton sooner were credible. The panel concluded that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 5a)- g) proven.

The panel went on to consider whether Mr Charlton's physical contact with Pupils A, B, F and I as found proven in relation to allegations 1, 2, 4 and 5 was inappropriate. It concluded that both individually and collectively the physical contact was inappropriate.

The panel took into account the wider context of this case. The School was a boarding school for girls with behavioural and learning difficulties. Many of the pupils had difficult home lives and looked up to the teachers as role models and expected those looking after them to keep them safe. Indeed, many of the witnesses told the panel that they had seen Mr Charlton as a father figure. Mr Charlton's physical contact with Pupils A, B, F and I was clearly not that expected of a father.

The panel concluded that his physical contact, whilst inappropriate in any educational setting, was particularly inappropriate when working with extremely vulnerable young girls who were being housed and educated away from their families.

6. You engaged in and/or developed inappropriate and/or unprofessional behaviour towards one or more pupils, including by, on one or more occasions:

a. Saying to Pupil A 'I will have you another time' or words to that effect.

b. Saying Pupil A 'next time there will be more you don't want to be restrained again' or words to that effect.

c. Saying to Pupil A when referring to her pyjamas, 'they would look nice on the floor', or words to that effect.

d. Putting your arm around Pupil A and stating that you ‘hadn’t spent time alone together for ages’ or words to that effect.

As set out above in relation to allegations 1f) and g), Pupil A recalled an incident in Mr Charlton’s Maths classroom where he had [REDACTED]. There was a noise outside the classroom and Mr Charlton stopped. He told her they would carry on another day and said; “I will have you another time”.

Pupil A also recalled an occasion when she saw Mr Charlton in the corridor when she was in her pyjamas. He said; “they would look nice on the floor” and winked at her.

Sometime before the Summer break in her final year at the School Mr Charlton asked Pupil A to stay behind. He put his arms around her and said that they hadn’t; “spent time alone together for ages”.

In her 2017 police interview, Pupil A recalled an occasion when she was in assembly and Mr Charlton came over and said to her; “next time there will be more you don’t want to be restrained again”.

The panel found the evidence of Pupil A in relation to these allegations to be credible. It concluded that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 6a)-d) proven.

e. Telling Pupil B that she was your ‘special girl’ or words to that effect.

f. Writing letters to Pupil B.

g. Telling Pupil B in person and/or via letter that you loved her, or words to that effect.

h. Telling Pupil B that she ‘drove you crazy’ or words to that effect.

In her police interview in 2017, Pupil B said that she remembered Mr Charlton telling her that she was his and that he didn’t want anyone else to have her. He told her she was “special” and that she “drove him crazy”. When asked about the words used during the hearing, Pupil B could not now recall Mr Charlton using the exact words “special girl” or “drive me crazy”, but she did remember him telling her words to the effect that she was a little minx and that she had been sent by the devil to tempt him away from his wife. The panel considered that the contents of Pupil B’s police interview were largely consistent with the account she provided to the TRA in 2022 and at this hearing. It acknowledged that there was an inconsistency in relation to the precise words Pupil B recalls Mr Charlton using. However, the panel felt that this could be explained by the passage of time. In addition, Pupil B’s account of Mr Charlton telling her she was special

is similar to Pupil A's account that Mr Charlton told her she was his special girl, which the panel believed added to the credibility of Pupil B's account. The panel found this account credible in part because it reflected a pattern of behaviour described by other witnesses.

In her evidence to the panel, Pupil B recalled that she and Mr Charlton would often write letters to one another. She said that it was normal for pupils and teachers to correspond by letter, and she would also write to other teachers. She said that she and Mr Charlton would also write to each other in the school holidays. Mr Charlton would tell her that he missed her and that he wanted to arrange to meet up. Pupil B would tell Mr Charlton in the letters that she loved him, and in her police interview she recalled him saying that he loved her. Mr Charlton would say that he was falling in love with her and that he would leave his wife and be with her when she left the School. She told the panel that Mr Charlton would end the letters by writing words to the effect of "don't forget to destroy this and don't show anyone". The other teachers did not write this in their letters. Pupil B said that she kept the letters until she was 21, but they were destroyed and she no longer had them. She said she didn't show them to anyone.

The panel found the evidence of Pupil B in relation to this allegation to be credible and that it was more likely than not that the incidents occurred as alleged.

The panel found allegations 6e)- h) proven.

i. Leaving notes for Pupil E.

j. Gifting Pupil E with roses.

k. Rubbing Pupil E's face.

l. Telling Pupil E that you loved her and wanted her to know this or words to that effect.

For the reasons set out above in relation to allegation 3, the panel found that there were significant inconsistencies in Pupil E's evidence which could not be fully explained by the passage of time. Consequently, the panel felt unable to rely upon her account of events.

The panel found allegations 6i)- l) not proven.

m. Calling Pupil I via telephone.

Pupil I recalled that over the school holidays, and the weekends when she was at home, she and Mr Charlton would telephone one another. Sometimes Mr Charlton's wife would answer the phone and Pupil I would speak to her. Mr Charlton would tell Pupil I that he was going to tell his wife he was taking the dog for a walk and instead come to visit her, but he never did. She said the calls usually consisted of general chit chat, but sometimes

Mr Charlton would make innuendos. He would say “I’ve got my belt on” and Pupil I knew this was a reference to his penis. Mr Charlton would tell Pupil I that his penis was so large that he could wrap it around himself like a belt.

The telephone calls continued for a short time after Pupil I left the School, but eventually they stopped. Pupil I said it was normal for teachers and pupils to speak on the telephone during the school holidays, although she personally only spoke to Mr Charlton.

The panel found the evidence of Pupil I in relation to this allegation to be credible and that it was more likely than not that the incident occurred as alleged.

The panel found allegation 6m) proven.

The panel went on to consider whether Mr Charlton’s behaviour as found proven in relation to allegations 6a)- h) and 6m) was inappropriate and/ or unprofessional. It concluded that, both individually and collectively, the behaviour was both inappropriate and unprofessional.

The panel took into account the wider context of this case. The School was a boarding school for girls, many of whom were teenagers and vulnerable. They looked to teachers to set an example, act as role models and keep them safe. The panel was satisfied that making comments to pupils such as those set out in allegations 6a)- e) and 6h) would have been regarded as inappropriate and unprofessional behaviour by a teacher in the 1980s and early 1990s, or indeed at any time.

The evidence of Individual A suggested that private letters and casual telephone calls to pupils by teachers at the School was discouraged at the time. However, the panel heard evidence from former pupils that in practice it was normal for staff and pupils to write to one another, and to make contact by telephone when they were not in School.

The panel took into account the particular content of the letters and telephone calls in this case, as described by Pupils B and I in their evidence. Pupil B told the panel that Mr Charlton would tell her in the letters that he missed her and that he wanted to arrange to meet up. Pupil B would tell Mr Charlton in the letters that she loved him. He said that he loved her and that he would leave his wife and be with her when she left the School. He said; “don’t forget to destroy this and don’t show anyone”. Likewise, Pupil I recalled that over the school holidays and the weekends when she was at home she and Mr Charlton would telephone one another. Mr Charlton would make innuendos. He would say; “I’ve got my belt on” and Pupil I knew this was a reference to his penis. The panel considered this behaviour to be inappropriate and unprofessional.

7. Your conduct towards Pupils A-I as may be found proven at allegations 1-6 above was notwithstanding that one or more pupils:

a. Were aged under 16 during one or more of the incidents.

b. Did not consent legally and/or as a matter of fact to sexual contact with you on one or more occasions.

Given the passage of time between the events in question and the paucity of contemporaneous records, the witnesses were unable to clearly recall the precise dates for each of the incidents set out in the allegations. Therefore, they could not be certain of their ages at the relevant times. Notwithstanding this, the panel was satisfied from the evidence before it that at least some of the witnesses were aged under 16 during one or more of the incidents.

The panel accepted that the age of legal consent at the relevant time was 16. Therefore, where pupils were under 16 it follows that they could not legally consent to the sexual contact with Mr Charlton. However, in the panel's view, regardless of the age of the pupils or whether they appeared to acquiesce to the sexual contact, the fact remained that they were pupils and Mr Charlton was their teacher. Teachers having any form of sexual conduct with pupils is clearly both inappropriate and unprofessional on the part of the teacher.

The panel found allegations 7a) and b) proven.

8. Your behaviour as may be found proven at allegations 1-6 above was conduct of a sexual nature and/or was sexually motivated.

The panel considered whether the conduct found proven amounted to conduct in pursuit of sexual gratification and/or in pursuit of a future sexual relationship.

As regards the conduct relating to allegations 1, 2, 4, 5 and 6m), the panel was satisfied that Mr Charlton's conduct was for the purpose of his immediate sexual gratification.

As regards the conduct relating to allegations 6a)- h), the panel was satisfied that Mr Charlton's conduct was in pursuit of a future sexual relationship. The panel particularly noted the evidence of Pupil B. She said that when she was about to leave the School, Mr Charlton told her that he was going to leave his wife as he wanted to be with her. The panel considered that these discussions with Pupil B were preparatory acts on the part of Mr Charlton. The panel was satisfied that it was more likely than not that Mr Charlton's behaviour in allegations 6a)- h) was to facilitate future sexual relationships with the pupils involved.

The panel, therefore, found allegation 8 proved on the basis that Mr Charlton's conduct in allegations 1, 2, 4, 5, 6a)- h) and 6m) was sexually motivated.

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

The panel went on to consider whether the facts of those allegations found proven 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 did not consider the Teachers' Standards documents as they were not in force at the time of the conduct found proven. Instead, the panel drew on its own knowledge and experience of the teaching profession in making a judgment as to the standards expected of teachers at that time.

The panel was satisfied that the conduct of Mr Charlton amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession at that time. His conduct involved the sexual abuse of children who were particularly vulnerable because they were being educated and accommodated away from home. Mr Charlton abused his position of power over the pupils for the purpose of sexual gratification.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the teaching profession.

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

Panel's recommendation to the Secretary of State

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

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

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

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of the sexual abuse of vulnerable pupils by Mr Charlton who, as their teacher, was trusted by them and supposed to keep them safe.

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

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

The panel gave consideration as to whether there was a public interest in retaining Mr Charlton in the profession. The panel noted that he had nearly 30 years of experience as a teacher. There was no evidence before the panel that Mr Charlton is currently teaching, or that he had any intention of returning to 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 Charlton.

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 Charlton. The panel took account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. 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, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);

- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children;
- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour;
- concealment of inappropriate actions, including supporting others to break rules and encouraging them to act in a way contrary to their own interests.

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.

Mr Charlton presented no mitigation to the panel. [REDACTED]. The panel was not provided with any other evidence to support this.

The panel considered that Mr Charlton's actions were deliberate. There was no evidence to suggest that he was acting under duress, and, in fact, the panel found Mr Charlton's actions to be opportunistic, calculated and sexually motivated. His conduct took place over several years and was repeated with a number of pupils, some of whom were under 16. The evidence before the panel indicated that Mr Charlton had displayed a pattern of grooming behaviour during his time at the School.

Mr Charlton has not been the subject of any previous disciplinary findings by the TRA or its predecessors. The panel was made aware from the chronology provided by the TRA, that after he left the School, Mr Charlton worked as a teacher at several other schools until 2020.

The panel had sight of a testimonial which was obtained around the time of the police investigation. It was provided by the then [REDACTED] and dated 31 October 2017. The following is an extract from that testimonial:

"During the time I worked and socialised with Christopher I found him to be entirely open and trustworthy. From my observations, he had an excellent and highly professional approach to his work and his relationships with the students. He was highly respected and valued by his colleagues. He was a meticulous planner and always took account of the needs and welfare of the students and the staff who worked with him".

The panel bore in mind that the testimonial was not signed.

Mr Charlton provided the panel with a screenshot of Facebook posts from persons who appeared to be former pupils. The posts were in support of Mr Charlton, and some suggested that those pupils making allegations against him were lying. The panel treated this evidence with caution, as the posts were not dated and their provenance was unclear.

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 Charlton of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate in this case. The panel decided that the public interest considerations outweighed the interests of Mr Charlton. The behaviour found proved was extremely serious as it involved the sexual abuse of multiple, vulnerable pupils over several years. Some of the pupils involved told the panel that they believed that they were special as Mr Charlton had singled them out for attention. In fact, his conduct was directed at a number of pupils concurrently. Some of the pupils had a difficult domestic background and treated the teachers at the School as part of their 'family', which the panel felt increased the seriousness of this case and the vulnerability of the pupils.

Mr Charlton denied the allegations against him and has shown no acknowledgment of the impact of his behaviour on the pupils concerned. At the hearing the panel was presented with evidence of the continuing impact of Mr Charlton's actions on those pupils, and on the relationships they have subsequently formed. Pupil F stated; "the whole situation makes me feel sick" and "Mr Charlton was working around vulnerable girls that had difficult backgrounds and were frightened little girls". Pupil I said; "I'd be devastated if it happened to my children" and "whilst I was okay with it at the time, it is something that has affected me at a later stage". Pupil B expressed to the panel her horror at the thought of Mr Charlton continuing to teach.

The panel believed that Mr Charlton's actions are likely to have a detrimental impact on the pupils involved for the rest of their lives.

As Mr Charlton had shown no remorse for his actions or insight into the effects of his inappropriate behaviour, the panel could not be assured that it would not be repeated in the future and therefore he remains a risk to children.

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 two years.

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

These behaviours include:

- serious sexual misconduct 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;
- any sexual misconduct involving a child.

The panel decided that the findings indicated a situation in which a review period would not be appropriate. Mr Charlton's conduct involved the serious sexual abuse of children over several years. The pupils involved were particularly vulnerable because they were being educated and accommodated away from their families. In the panel's view, Mr Charlton's behaviour was entirely incompatible with being a teacher. As such, it decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision 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 those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

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

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

The findings of misconduct are particularly serious as they include findings which involved sexual abuse of vulnerable pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to 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 Charlton, 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/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of the sexual abuse of vulnerable pupils by Mr Charlton who, as their teacher, was trusted by them and supposed to keep them safe." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "As Mr Charlton had shown no remorse for his actions or insight into the effects of his inappropriate behaviour, the panel could not be assured that it would not be repeated in the future and therefore he remains a risk to children." In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Charlton was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual abuse of children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct or 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 Charlton himself and the panel comment “The panel gave consideration as to whether there was a public interest in retaining Mr Charlton in the profession. The panel noted that he had nearly 30 years of experience as a teacher. There was no evidence before the panel that Mr Charlton is currently teaching, or that he had any intention of returning to the profession.”

A prohibition order would prevent Mr Charlton 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 lack of insight or remorse. The panel has said, “Mr Charlton denied the allegations against him and has shown no acknowledgment of the impact of his behaviour on the pupils concerned. At the hearing the panel was presented with evidence of the continuing impact of Mr Charlton’s actions on those pupils, and on the relationships they have subsequently formed. Pupil F stated; “the whole situation makes me feel sick” and “Mr Charlton was working around vulnerable girls that had difficult backgrounds and were frightened little girls”. Pupil I said; “I’d be devastated if it happened to my children” and “whilst I was okay with it at the time, it is something that has affected me at a later stage”. Pupil B expressed to the panel her horror at the thought of Mr Charlton continuing to teach.”

I have also placed considerable weight on the finding that “The panel considered that Mr Charlton’s actions were deliberate. There was no evidence to suggest that he was acting under duress, and, in fact, the panel found Mr Charlton’s actions to be opportunistic, calculated and sexually motivated. His conduct took place over several years and was repeated with a number of pupils, some of whom were under 16. The evidence before the panel indicated that Mr Charlton had displayed a pattern of grooming behaviour during his time at the School.”

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

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

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

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would not be appropriate. Mr Charlton's conduct involved the serious sexual abuse of children over several years. The pupils involved were particularly vulnerable because they were being educated and accommodated away from their families. In the panel's view, Mr Charlton's behaviour was entirely incompatible with being a teacher. As such, it decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period."

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 seriousness of the findings involving sexual abuse of vulnerable children and the lack 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 Charlton 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 Charlton 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 Charlton has a right of appeal to the High Court within 28 days from the date he is given notice of this order.



Decision maker: Sarah Buxcey

Date: 11 July 2024

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