



Teaching
Regulation
Agency

Mr Mark Craster- Chambers: Professional conduct panel outcome

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

August 2022

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

Teacher:	Mr Mark Craster-Chambers
Teacher ref number:	8946716
Teacher date of birth:	08 July 1966
TRA reference:	17634
Date of determination:	8 August 2022
Former employer:	John Ruskin School, Coniston

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 8 August 2022 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Craster-Chambers.

The panel members were Ms Alison Feist (former teacher panellist – in the chair), Mrs Christine McLintock (teacher panellist) and Mr Nicholas Catterall (lay panellist).

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

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson LLP.

Mr Craster-Chambers was present and was not represented.

The hearing took place in public and was recorded, save for parts of the hearing which were heard in private.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 22 April 2022.

You have been convicted at any time of a relevant offence, specifically on 4 March 2021 you were convicted at Carlisle Crown Court for the following:

1. Engaging in Sexual Activity while in a position of trust;
2. Engaging in Sexual Activity while in a position of trust contrary to Part 2 of the Sexual Offences Act 2003.

Mr Craster-Chambers accepted that he had been convicted of the offences but did not accept the factual allegations behind the conviction.

Preliminary applications

Amending the allegations

The panel noted within the papers that Mr Craster-Chambers was convicted of 2 offences under the Sexual Offences Act 2000. This was also consistent with the dates of the offences that the teacher was convicted of (namely post 2000, but prior to the 2003 Act).

The allegations make reference to Part Two of the Sexual Offences Act 2003. Mr Craster-Chambers was not convicted of any offences under the 2003 Act. Part 2 of the 2003 Act also relates to notification requirements under the 'sex offenders register' and other orders, not substantive sexual offences. Whilst Mr Craster-Chambers was subject to the provisions of Part 2, following his conviction, it was not correct to say that he had been convicted of an offence under that Part.

The panel therefore considered its powers under paragraph 4.56 of the Disciplinary Procedures and whether the allegations should be amended to remove this error.

The presenting officer invited the panel to make that amendment so that the error was corrected. Mr Craster-Chambers did not oppose this course of action. The panel also considered and followed the advice of the legal adviser.

The panel considered that it was in the interests of justice for allegations to be drafted as accurately as possible in regulatory proceedings. The panel also considered that there was no unfairness to either party in making the amendment, as it made no difference to how either party intended to present their case.

Accordingly, the panel removed the words "contrary to Part 2 of the Sexual Offences Act 2003" from the allegation.

Privacy

The panel has considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the teacher that the hearing should be in private.

The panel has determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel has taken account of the representations made by Mr Craster-Chambers who gave reasons as to why he considered the public should be excluded from a discrete part of the hearing.

Those reasons were that he would need to make reference [redacted]

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considers that the request for parts of the hearing to be heard in private, is a reasonable one given concerns about confidential matters relating to [redacted] being placed in the public domain.

The panel had regard to whether the teacher's request runs contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to a conviction of a relevant offence. In the event that the case continues any decision of the Secretary of State will also be in public. The panel considers that in the circumstances of this case that the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

The presenting officer did not object to the application. Having considered the representations, the panel granted the application. The panel considered it was not contrary to the public interest for the only the parts of the hearing [redacted] to be heard in private.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 4 to 12

Section 2: Teaching Regulation Agency documents – pages 13 to 42

Section 3: Teacher documents – pages 43 to 63

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

Witnesses

There were no oral witnesses called by the TRA.

Mr Craster-Chambers gave sworn evidence before 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.

Mr Craster-Chambers was employed as a teacher at John Ruskin School ("the School") from September 2001 to August 2005. Following his departure from the School, Mr Craster-Chambers went on to hold a number of other teaching posts.

In 2017, a former pupil of the School made a complaint to the police that she had engaged in sexual activity with Mr Craster-Chambers, when she was [redacted]. Following a police investigation, Mr Craster-Chambers was charged with 2 offences of engaging in sexual activity (other than sexual intercourse) with a person under 18 when in a position of trust.

Mr Craster-Chambers pleaded not guilty to the offences and was convicted after trial at Carlisle Crown Court and received a prison sentence.

During the course of the investigation, the police made a referral to the TRA.

Findings of fact

The findings of fact are as follows:

You have been convicted at any time of a relevant offence specifically on 4 March 2021 you were convicted at Carlisle Crown Court for the following:

- 1. Engaging in Sexual Activity while in a position of trust;**
- 2. Engaging in Sexual Activity while in a position of trust;**

Before the panel was a certificate of conviction from Carlisle Crown Court dated 4 February 2022 and signed by an officer of the Court.

The details of the certificate set out Mr Craster-Chambers' name and date of birth and that he had been convicted on 4 March 2021 of 2 offences of engaging in sexual activity while in a position of trust. It further set out that on 16 April 2021 that Mr Craster-Chambers was sentenced to a 6 and 18 month period of imprisonment, placed on the Sexual Offenders Register for a period of 10 years and placed on the DBS Barring List. The sentencing remarks of [redacted] showed the sentences were to run concurrently with each other.

Mr Craster-Chambers accepted that the details in the certificate were correct and that he had been convicted of those offences and served the prison sentence. However, Mr Craster-Chambers strenuously maintained his position that he was not guilty of committing the offences.

In support of that position, Mr Craster-Chambers brought a number of issues to the panel's attention which he considered demonstrated that he was in fact not guilty. These included a letter from the Independent Office for Police Conduct ("IOPC") which had upheld a complaint he made regarding the police actions in the investigation. In addition, there were supportive letters from 2 people which he stated contradicted important parts of the prosecution evidence in the criminal trial.

The panel took into account the guidance in the Teacher Misconduct: Prohibition of Teachers document, which states that "the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply". The panel took further account of the advice from the legal adviser in regard to seeking to 'go behind the conviction' and the provisions in the Disciplinary Procedures, which set out a procedure if Mr Craster-Chambers' conviction was ever subsequently quashed.

The panel carefully considered the IOPC letter before it. The letter detailed that Mr Craster-Chambers made an application to the IOPC to review the handling of a complaint he made to Cumbria police about their conduct during the criminal case. In that review, the IOPC directed that Cumbria police re-investigate the complaint as Cumbria police did not fully consider all of the relevant documents needed to fully investigate the initial complaint by Mr Craster-Chambers.

Within the letter the IOPC stated:

"It is important to note from the outset of this letter that it is not within the remit of the police complaints system to challenge or assess the 'safety' of a conviction."

The letter continued with:

"As such, it is not the purpose of this review to assess the evidence presented in court in order to assess the appropriateness of your conviction."

[redacted]

Accordingly, the panel did not consider that Mr Craster-Chambers' position amounted to an exceptional circumstance and accepted the certificate as conclusive proof of the conviction. Whilst the panel noted that Mr Craster-Chambers' name was spelt slightly differently in one part of the certificate (in omitting the s from the end of Chambers), they did not consider this materially affected the soundness of the certificate, bearing in mind the conviction was an agreed fact between the parties.

Therefore, the panel find this allegation proved.

Findings as to a conviction of a relevant offence

Having found the allegation proved, the panel went on to consider if the conviction amounted to a conviction of a relevant offence.

The panel noted these events took place in the early 2000s and this was a number of years before the Teachers' Standards were published. Therefore, the panel did not think it was appropriate to directly apply those standards in this case, although the panel recognised that conduct such as Mr Craster-Chambers was convicted of, would still be considered a breach of the teachers' ethical standards at the time, whether they were codified or not.

The panel noted that Mr Craster-Chambers' actions were directly relevant to teaching, working with children and working in an education setting, as the direct victim of Mr Craster-Chambers' offending behaviour was a pupil that he taught.

The panel took into account the sentencing remarks of [redacted] where he stated:

"You knew that she was vulnerable. You knew that because of information that was shared with you in a professional capacity. You knew that because you were a daily visitor at her home. You sat at the same table as her, listening to the stories of the day. You were a friend to [Pupil A's carer] who, at the time of your offending, was, to use a phrase of which you were so fond yourself, in loco parentis for [Pupil A]. That you engaged in sexual activity with [Pupil A], a pupil who you knew to be vulnerable, was a gross breach of trust."

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

The panel noted that Mr Craster-Chambers' conviction ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

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

Mr Craster-Chambers accepted that if he was actually guilty of committing these offences, they would amount to a relevant conviction.

The panel therefore found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Craster-Chambers' ongoing suitability to teach. The panel considered that a finding that this conviction was a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

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

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely,

- the safeguarding and wellbeing of pupils and protection of other members of the public;
- the maintenance of public confidence in the profession – assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, as well as other issues involved in the case;
- declaring and upholding proper standards of conduct within the teaching profession;

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Craster-Chambers by the criminal

justice system were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Craster-Chambers by the criminal justice system was outside that which could reasonably be tolerated.

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

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 Craster-Chambers.

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. The panel considered that Mr Craster-Chambers' actions sit alongside a number of factors which tend to suggest they are incompatible with being a teacher. The panel also considered Mr Craster-Chambers' actions were at the more serious end of the spectrum of those factors. The panel found the following factors of relevance:

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature

There was no evidence that Mr Craster-Chambers' actions were not deliberate. There was no evidence to suggest that Mr Craster-Chambers was acting under duress.

The panel took into consideration character references provided by Mr Craster-Chambers who spoke of his contribution to education in the community.

There was a character reference from a local faith leader who remarked:

"Mark is indeed a force for good and has a strong faith in the heroes of humanity irrespective of their creed and ethnicity. I can vouch for his honesty, credibility and integrity. He is a well-respected, committed and an inspirational teacher and human being in the communities he serves."

A further character reference from a different local faith leader stated:

"Mark is highly regarded for making a significant contribution in the field of education and empowering children and supporting parents. He was closely involved in 2015/16 in the bid to set up our own Sikh Free School in the city, working closely with the community leaders and educationalists."

The panel also noted that Mr Craster-Chambers left teaching in 2017 of his own choosing, before the criminal allegations were made against him. This was following 18 years in the profession. Mr Craster-Chambers stated he had no intention of returning to teaching and was of the opinion that he could no longer recommend that anyone went into the profession following his experience of these allegations. He now works in a different field and was happier and more successful than when he was a teacher.

Mr Craster-Chambers was clear that he recognised that if any teacher was convicted of these offences (and had committed them), they should not be part of the teaching profession. The panel considered this demonstrated some insight into the seriousness of the conviction and the behaviour that would lie behind it.

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 Craster-Chambers of prohibition.

The panel was of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations of maintaining and declaring the standards of the profession significantly outweighed the interests of retaining Mr Craster-Chambers in the profession. Mr Craster-Chambers conviction was at the more serious end of the spectrum of sexual misconduct which could not be resolved in any other fashion than making a recommendation to prohibit.

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

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

- 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;

- any sexual misconduct involving a child;

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to relevant convictions.

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

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

- the safeguarding and wellbeing of pupils and protection of other members of the public;
- the maintenance of public confidence in the profession – assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed ‘sanction’ and recognises the high standards expected of all teachers, as well as other issues involved in the case;
- declaring and upholding proper standards of conduct within the teaching profession;

The findings of misconduct are particularly serious as they include a finding of engaging in sexual activity while in a position of trust.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The panel noted that Mr Craster-Chambers' actions were directly relevant to teaching, working with children and working in an education setting, as the direct victim of Mr Craster-Chambers' offending behaviour was a pupil that he taught." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered this demonstrated some insight into the seriousness of the conviction and the behaviour that would lie behind it." I also note that Mr Craster-Chambers continued to deny his actual guilt. In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour, and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Craster-Chambers' behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding of engaging in sexual activity while in a position of trust 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 relevant convictions in this case, 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 Craster-Chambers himself. The panel comment that it, "took into consideration character references provided by Mr Craster-Chambers who spoke of his contribution to education in the community."

A prohibition order would prevent Mr Craster-Chambers from teaching and 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, "Mr Craster-Chambers conviction was at the more serious end of the spectrum of sexual misconduct which could not be resolved in any other fashion than making a recommendation to prohibit."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Craster-Chambers 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 full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours includes:

- 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;
- any sexual misconduct involving a child;

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

I have considered whether allowing for no review reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that a no review is necessary are the serious nature of the convictions and the lack of full insight. The advice is very clear on this.

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

This means that Mr Mark Craster-Chambers 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 Mark Craster-Chambers 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 Mark Craster-Chambers has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 10 August 2022

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