



Teaching  
Regulation  
Agency

# **Mr Philip Culling: Professional conduct panel outcome**

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

**April 2025**

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

**Teacher:** Mr Philip Culling

**Teacher ref number:** 9559330

**Teacher date of birth:** 16 June 1972

**TRA reference:** 21036

**Date of determination:** 9 April 2025

**Former employer:** Holland Park Pre-Prep & Nursery, London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by way of a virtual hearing, to consider the case of Mr Philip Culling.

The panel members were Ms Jo Palmer-Tweed (former teacher panellist – in the chair), Mr Francis Murphy (teacher panellist) and Mrs Megan Gomm (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP Solicitors.

The presenting officer for the TRA was Ms Keira Oluwunmi of Three Raymond Buildings instructed by Kingsley Napley LLP Solicitors.

Mr Culling was not present and was not represented.

The hearing took place in private and was recorded.

## Allegations

The panel considered the allegations set out in the notice of hearing dated 12 July 2024.

It was alleged that Mr Culling was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a teacher at the Godolphin and Latymer School ("the School") and/or after leaving the School:

1. Between approximately January 2012 and June 2013, in relation to Person B, whilst she was a student at the School, he
  - a. Sent Person B email(s) of an inappropriate and/or flirtatious nature to her School email address and/or
  - b. Contacted Person B via text message on her personal mobile phone and/or
  - c. In relation to 1(b) above, he obtained Person B's personal mobile telephone number from School records and without her consent; and/or
  - d. He made inappropriate comments to Person B, namely:
    - i. In or around July 2012, told Person B that he was attracted to her, or words to that effect and/or
    - ii. In or around July 2012, told Person B that she was gorgeous, or words to that effect and/or
    - iii. In or around August 2012, told Person B that he loved her, or words to that effect and/or
  - e. On one or more occasions he arranged to meet up with Person B outside of School and/or
  - f. Between August 2012 and June 2013, hugged Person B on one or more occasions; and/or
  - g. Between February 2013 and June 2013, kissed Person B on one of more occasions; and/or
  - h. Between April 2013 and June 2013 performed oral sex on Person B and/or allowed Person B to perform oral sex on him, on one or more occasions; and/or
  - i. On or around [REDACTED]:
    - i. Gave Person B CDs as gifts; and/or

- ii. Visited a public house with Person B during school hours; and/or
  - iii. Sent Person B flowers and/or a card which stated “The LOML”;
2. On or around 24 June 2013, he engaged in sexual intercourse with Person B;
  3. Between approximately July 2013 and July 2014, he engaged in an inappropriate relationship with Person B, a former pupil, in that he engaged in sexual intercourse with Person B;
  4. His actions at paragraphs 1a and/or 1b and/or 1d and or 1f and/or 1g and/or 1h and/or 1i and/or 1j and/or 2 and/or 3 above was sexually motivated;
  5. His conduct at paragraphs 1f and/or 1g and/or 1h and/or 2 and/or 3 above was sexual in nature;
  6. At the time of his conduct towards Person B, as detailed in paragraphs 1 and/or 2 and/or 3 above, he knew or ought to have known that Person B was vulnerable;
  7. In or around January 2023 he contacted Person B and told her that it was best not to engage with the Teaching Regulation Agency proceedings, or words to that effect.
  8. His conduct at paragraph 7 was:
    - a. Dishonest; and/or
    - b. Lacked integrity.

In the absence of the teacher, the allegations are not admitted, nor did Mr Culling admit unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 5 to 8

Section 2: Notice of hearing and response to notice of hearing – pages 9 to 17

Section 3: Teaching Regulation Agency witness statements – pages 18 to 33

Section 4: Teaching Regulation Agency documents – pages 34 to 809

Section 5: Teacher representations – pages 810 to 816

Section 6: Re-listed documents – pages 817

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

## **Witnesses**

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

Witness A – [REDACTED]

Person B – former pupil of the School

## **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 Culling commenced employment at the School as head of music. In 2011, he was appointed as deputy headteacher of the School and became one of the two child protection officers at the School. On 23 April 2014, the headteacher received information alleging that Mr Culling and Person B were in a relationship. Person B was a former pupil of the School having left in July 2013. An investigation was commenced in April 2014 and Mr Culling resigned from his position at the School. Following the conclusion of the investigation no disciplinary hearing took place. On 26 July 2016, Mr Culling began working at the Holland Park Pre-Prep and Nursery. In June 2022, an issue was raised by someone who knew of the 2014 allegations and an investigation was commenced. On 16 August 2022, Mr Culling was referred to the Teaching Regulation Agency.

## **Findings of fact**

The findings of fact are as follows:

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

**Whilst working as a teacher at the Godolphin and Latymer School (“the School”) and/or after leaving the School:**

**1. Between approximately January 2012 and June 2013, in relation to Person B, whilst she was a student at the School, you**

**a. Sent Person B email(s) of an inappropriate and/or flirtatious nature to her School email address and/or**

Witness A gave evidence that emails exchanged between Person B and Mr Culling between 2010 and 2014, held on the School's server were retrieved by the network manager during her investigation. She stated that she had been informed by the network manager, that as far as he could tell, there was no evidence of any deletion of emails passing between Mr Culling and Person B.

The panel was provided with a significant volume of emails exchanged between Mr Culling and Person B largely between May 2012 and November 2013. The panel noted that there were occasions when Mr Culling sent messages outside of school hours into the evening. For example, on 23 May 2012, Mr Culling sent an email to Person B at 20:35 and on 10 June 2013, Mr Culling responded at 22:18 to an email sent by Person B at 22:09.

In Person B's evidence, she stated that on Mr Culling's birthday, on 16 June 2012 he had a party which she had not attended. She stated that at 1am on 17 June 2012, Mr Culling had sent an email to her school email address stating "I had a great night xxx". Person B stated that she did not respond to the email, that she did not have a copy, and that she recalled Mr Culling asking her to delete it.

Person B exhibited an email to her statement she received from Mr Culling on 1 July 2012. This email stated, "How's the head today... Pimms is such a positive happy drink." The email went on to state "Given that this already falls into the category of 'please delete after reading'", he went on to make references to lager, and having woken with a headache.

Person B exhibited to her witness statement an email she had received from Mr Culling on 13 July 2012 at 00:11, this being after the dinner party referred to in allegation 1b, and 1c below. This email stated "Feel important. Feel valued. Feel cool. Feel significant. Because you are all of those. Great evening. Thank you x".

The panel considered that the overall volume of emails a large proportion of which were unrelated to Person B's studies or pastoral matters was inappropriate. This was particularly the case given that some were sent late in the evening, some referenced matters relating to alcohol, some shared material that Mr Culling thought Person B would find funny and some discussed aspects of music which they both enjoyed. Mr Culling's comment referring to a category of emails that should be deleted after having been read was indicative that Mr Culling was aware that his emails fell outside the scope of what was appropriate. Although the panel did not consider that the emails were of a flirtatious

nature, they did establish a personal connection between Mr Culling and Person B which was inappropriate. The panel noted that these emails were sent at a time that Person B remained a pupil of the School.

The panel found this allegation proven to the extent that the emails were inappropriate.

**b. Contacted Person B via text message on her personal mobile phone and/or**

The panel noted that no examples of text messages were provided in evidence from around this time. Whether this allegation was proven on the balance of probabilities therefore depended upon the credibility of Person B's evidence.

The panel noted that Person B's oral evidence to the panel was consistent with that given in her witness statement. Her evidence was detailed in terms of her recollection of where they were when certain events happened. She was able to explain her recollection of significant dates by reference to memorable events that had occurred on the same day, for example the first time she alleges they kissed on 26 February 2013, she was able to provide this date by reference to [REDACTED] that had taken place that day. Person B also clearly explained when she was not sure of the position, for example whether she had told a friend at the time that she had gone to a public house with Mr Culling on her birthday, or whether she had told her this later. There were occasions during Person B's evidence when she remembered a detail that she appeared to have previously forgotten, and which spontaneously came to mind when shown the emails recovered from the School's server which she had not been shown when her witness statement was taken. Person B was very precise in her evidence, for example, identifying where an incorrect redaction had been made so that the panel were clear who an email was referring to.

Person B spoke of the shame she felt regarding their relationship and this pervaded her evidence. This included when she recalled engaging in oral sex in a cupboard in Mr Culling's office and a member of the catering staff had come in and had not been aware that they were there. She spoke of feeling morally conflicted by their relationship and having to conceal it. Person B did not exaggerate her evidence, for example, she explained that after they kissed for the first time, and met up afterwards, Mr Culling would touch her genitals but that this was mostly over her clothing. She also stated that she could not say with certainty who had instigated their meeting at Café Nero or their first hug.

Her oral evidence was internally consistent in that she referred back to evidence she had previously given, for example recognising that their relationship had become a physical one when she was asked for context around an email after that point.

The panel also considered the extent to which Person B's evidence was consistent with documentary evidence. The panel noted that emails exchanged using the School's email

address did not really reveal any particular change in the relationship, although that may be explained by care having been exercised in the content of such emails. Person B exhibited to her statement a WhatsApp message dated 10 April 2014 from “Phil” stating “You were supposed to get a different cute photo but it tells me it didn’t send. I haven’t stopped TOY for approximately 2 years, btw. xxxxx”. Person B explained that “TOY” meant “Thinking of you”. Person B was questioned about this message given that it was not presented as a screenshot. Person B explained that she had downloaded a transcript of the message. That message was consistent with Person B’s account of Mr Culling having put their relationship on a different footing from approximately 2 years previously.

The panel noted that during the School’s investigation, when interviewed, Person B stated that their relationship had changed in February 2014, after she had left the School. Person B was asked about this in her oral evidence. She explained that Mr Culling had asked her to lie, saying that he would lose his job and livelihood, that others would misconstrue what he felt about her as something ugly and suggested that she should lie to protect his career opportunities in the future. She stated that Mr Culling told her what to say, to make it sound as if the relationship was as recent as it could be. The panel noted that this instruction was consistent with him having instructed her to delete emails, and also a more recent WhatsApp message that Person B exhibited to her statement informing her that she may be contacted as a witness in connection with TRA misconduct proceedings and asking her not to engage with them.

The panel noted that Person B’s answers during her interview as part of the School’s investigation became more vague when specific emails were put to her, and this was consistent with Person B covering the extent of their relationship at the time.

Person B gave oral evidence, and points were put to her that Mr Culling might have made had he been present. In contrast, Mr Culling did not attend the hearing, did not respond to whether he admitted or denied the allegations, nor did he provide any written response to the allegations. In the notice of hearing, he was warned that in the absence of an account in response to the allegations, the panel could be invited to draw an adverse inference against him. The panel considered that a prima facie case had been established; Mr Culling gave no reasonable explanation for not giving evidence and the panel did not consider there were any circumstances in the particular case which would make it unfair to draw such an inference. The panel considered that it was therefore entitled to draw an adverse inference against Mr Culling. The panel did not take this decision lightly given that it had proceeded with the hearing in the absence of Mr Culling but considered that caution had been exercised in the questioning of Person B to ensure that sufficient questions were asked for her evidence to be tested.

The panel also considered Mr Culling’s propensity to have acted in the way alleged. Mr Culling did not provide any statements testifying to his character. The panel noted that the School’s investigation involved checking Mr Culling’s personnel file and speaking with staff who had worked with Mr Culling and there had been no indication that his

relationship with pupils had been improper. Although there was no evidence of Mr Culling having any propensity to act in the way alleged, the panel considered that Person B's evidence was so credible for the reasons referenced above, the panel did conclude that it could rely upon her evidence. Furthermore, the extent to which the email communications seen by the panel with Person B clearly indicated that Mr Culling was willing to breach professional boundaries.

With respect to this particular allegation, Person B stated that on 12 July 2012, her mother had invited Mr Culling for dinner at their home. She stated that they had all drunk too much at the dinner, and Mr Culling had told her that he was attracted to her when they were alone in her garden. She stated that the next day, she woke up to a text from an unknown number saying something along the lines of "you are very special, very valued and I really care about you." In Person B's written statement, she stated that they exchanged text messages throughout the Summer of 2012. She stated that she did not recall the messages being sexual in nature, but his text messages were friendly and familiar and made reference to finding her attractive. Person B stated that she saved his number under a different name so that friends and family could not see that they were communicating.

In oral evidence, Person B stated that anything sexual or romantic exchanged between them would have been sent by text message rather than email. She stated that there was "clearly a move towards less appropriate topics/ language on text versus email", and she was sure that this shift had happened around July 2012. Person B stated that she had deleted all of the messages, initially as she received them, although this changed after she had saved his number under a different name.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had contacted Person B via text message on her personal mobile phone between approximately January 2012 and June 2013. The panel noted that this was whilst Person B remained a pupil of the School.

The panel found this allegation proven.

**c. In relation to 1(b) above, you obtained Person B's personal mobile telephone number from School records and without her consent; and/or**

Person B stated in her witness statement and confirmed in oral evidence that she had not had Mr Culling's personal number at the time that she received the text message from him the night after the dinner party held on 12 July 2012. She stated that Mr Culling had her number as she had been provided with a school mobile number to call for support. In oral evidence, Person B stated that the School mobile phone had been monitored by members of the senior leadership team, but typically he would answer her calls. She stated that her number would have been saved in the School mobile phone. Person B

also stated that the number she had received the text message from on 13 July 2012 had been Mr Culling's personal number.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had obtained Person B's personal mobile telephone number from school records and without her consent between approximately January 2012 and June 2013 whilst she remained a pupil of the School.

The panel found this allegation proven.

**d. You made inappropriate comments to Person B, namely:**

- i. In or around July 2012, told Person B that you were attracted to her, or words to that effect and/or**
- ii. In or around July 2012, told Person B that she was gorgeous, or words to that effect and/or**
- iii. In or around August 2012, told Person B that you loved her, or words to that effect and/or**

At the dinner party referred to in allegation 1b above on 12 July 2012, Person B stated in her witness statement that Mr Culling had told her that he was attracted to her when they were alone in her garden. She stated that they had all drunk too much at this dinner.

Person B went on to state that throughout the summer of 2012, she and Mr Culling exchanged text messages. She stated that his text messages included references to finding her attractive. She stated that on 20 July 2012, Mr Culling surprised her by attending a gig [REDACTED] and called her gorgeous.

Person B produced a Valentine's card signed by "Phil" which Person B said had been given to her by Mr Culling, although she could not remember if that had been in 2013 or 2014. The panel noted that it was addressed to "by far the most gorgeous and wonderful person in the entire world." with the use of the word "gorgeous" being consistent with the term Person B stated that Mr Culling used to describe her on 20 July 2012.

Person B stated in her witness statement that on 30 August 2012, [REDACTED] and that evening Mr Culling told her that he loved her and was concerned about how deeply he felt about her because he knew that they could not be together and that they had to wait. Person B described that as having been the point when their relationship started to turn into more of a "romantic relationship". In oral evidence Person B gave further details. She confirmed that she was "100%" sure of the date and remembered this vividly. She stated that she had sat outside [REDACTED] with her friend and Mr Culling for hours, and that she and Mr Culling then went home [REDACTED] together. She stated that they had the

conversation about his feelings for her on the [REDACTED] train and when they visited McDonalds thereafter [REDACTED].

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had in or around July 2012 told Person B that he was attracted to her (or words to that effect); and told her that she was gorgeous (or words to that effect). The panel also considered that it was more likely than not that in or around August 2012, Mr Culling told Person B that he loved her (or used words to that effect).

The panel found this allegation proven.

**e. On one or more occasions you arranged to meet up with Person B outside of School and/or**

Person B gave evidence that Mr Culling had attended her home (albeit invited by her mother for a dinner party); that they had met at Café Nero for a coffee; that he had come to watch her perform at the [REDACTED], and that from December 2012, they coordinated meeting up [REDACTED] on the way home from nights out.

In oral evidence, Person B stated that she could not remember who had instigated meeting up at Café Nero. She stated that, although she had just had her AS level results, and they may have touched upon her results in their conversation, the purpose of the meeting had been entirely social. She recalled that they had talked about having a tanning competition because both had just been on holiday.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had arranged to meet up with Person B outside of school whilst she remained a pupil of the School.

The panel found this allegation proven.

**f. Between August 2012 and June 2013, hugged Person B on one or more occasions; and/or**

In Person B's witness statement, she stated that in mid-August 2012, she had met Mr Culling at Café Nero for a coffee. She stated that she recalled that they hugged. She stated that from 30 August 2012, when Mr Culling had told her that he loved her, they tried to find opportunities to be alone, and that nothing happened of a physical nature at this time, apart from hugging.

In oral evidence, Person B stated that she thought Mr Culling had instigated the hug at Café Nero, but couldn't say with certainty, but that there had been a hug at the beginning of their meeting and at the end.

Whoever had instigated the initial hugs at Café Nero, the panel considered that, in light of the assessment the panel made of Person B's credibility, a hug had more likely taken place on that occasion and that Mr Culling hugged Person B on one or more occasions between August 2012 and June 2013, whilst she remained a pupil of the School.

The panel found this allegation proven.

**g. Between February 2013 and June 2013, kissed Person B on one of more occasions; and/or**

In Person B's witness statement, she stated that on 26 February 2013, they met up in a [REDACTED] after their separate nights out and kissed for the first time. She stated that after February 2013 she used to stay at school very late until others had left, and that they would go to the recording studio or a practice room. She stated that they did not initially do anything physical in school as they felt it was too risky. She stated that they continued to meet up in the park after school events and on occasions where social plans coincided to kiss and talk.

Person B stated in oral evidence that she could recall the date they first kissed, as there had been [REDACTED] that day so it stood out in her mind. She was able to describe the place they met in detail. She stated that from then on, they would kiss when they met up, he would touch her genitals and vice versa, mostly over their clothing. She stated that they continued to meet up in the same park.

Person B also stated in her witness statement that on her [REDACTED] she remembered that they kissed in school. In oral evidence, she stated that this had taken place briefly in the lift, and that this was the first time they had done anything like that in the School building. She stated that she could not recall who suggested taking the lift, as they would not normally have done so, as there was only one flight of stairs. She stated that when the lift doors were closed, no one could see inside.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had between February 2013 and June 2013 kissed Person B on one or more occasions whilst she remained a pupil of the School.

The panel found this allegation proven.

**h. Between April 2013 and June 2013 performed oral sex on Person B and/or allowed Person B to perform oral sex on him, on one or more occasions; and/or**

In Person B's witness statement, she stated that on or around 20 April 2013, she performed oral sex on Mr Culling after a night out with her friends, She stated that she believed that this was reciprocated.

In oral evidence, Person B stated that this had been the School's annual jazz night, and she had sung both solo and with the swing band. She accepted that her recollection of the date might have been inaccurate by a few days. She stated that she had been on a night out with her friends and co-ordinated with Mr Culling to meet him in the park [REDACTED]. She stated that she had not planned for what happened to have taken place, but that was where it "ended up".

In oral evidence, Person B also referred to having had oral sex with Mr Culling in a cupboard in his office early in the morning on more than one occasion.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had between April 2013 and June 2013 performed oral sex on Person B and/or allowed Person B to perform oral sex on him on one or more occasions whilst she remained a pupil of the School.

The panel found this allegation proven.

**i. On or around [REDACTED]:**

**i. Gave Person B CDs as gifts; and/or**

**ii. Visited a public house with Person B during school hours; and/or**

**iii. Sent Person B flowers and/or a card which stated "The LOML";**

In Person B's witness statement, she stated that on her [REDACTED] Mr Culling made her numerous CDs, and she produced a photograph of them. She stated that they also went to the pub at lunchtime, so that he could wish her a happy birthday properly. Person B confirmed this in her oral evidence.

The panel noted that the email exchanges evidenced Mr Culling's awareness of Person B's birthday. One email referenced her being "52 hours away from being a legal adult."

Witness A confirmed that it was not considered appropriate within the School for a teacher to have taken a pupil to a public house during the school day.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had on or around [REDACTED] given Person B CDs as gifts and visited a public house with her during school hours whilst she remained a pupil of the School.

Person B also stated in her witness statement that Mr Culling sent her flowers to wish her good luck for her A-level examinations. She exhibited a copy of the card to her statement which stated "to The LOML Good Luck! Xxxx". She explained that "LOML" was an

abbreviation for “love of my life”. In oral evidence, Person B stated that she had taken a picture of the card, and that the photograph was time stamped as 5 June 2013. She explained that use of the abbreviation LOML was fairly typical of the way that Mr Culling spoke in terms of their relationship being a long term one. She stated that she did not recall this frightening her at the time, because she did not really have the foresight of that length of time then. The panel noted that Mr Culling had also used the same abbreviation in the Valentines’ card that Person B stated she had received from Mr Culling in 2013 or 2014.

Given the assessment the panel made of Person B’s credibility, the panel considered that it was more likely than not that Mr Culling had on or around [REDACTED] sent Person B flowers and/or a card which stated “the LOML”.

The panel found this allegation proven.

**2. On or around 24 June 2013, you engaged in sexual intercourse with Person B;**

In Person B’s witness statement, she stated that on the night of the School’s leavers’ reception, on 24 June 2013, she went out with friends and afterward met with Mr Culling [REDACTED], where other pupils and staff were in attendance. She stated that, afterwards, she and Mr Culling went to the same park [REDACTED] She stated that this was the first occasion on which they had had sexual intercourse, and that this had been the first time she had ever had sexual intercourse.

In oral evidence, Person B stated that her friends had been disappointed that she was leaving early, but that she had pre-arranged to meet with Mr Culling and he’d had to get home.

Given the assessment the panel made of Person B’s credibility, the panel considered that it was more likely than not that Mr Culling had on or around 24 June 2013 engaged in sexual intercourse with Person B.

The panel found this allegation proven.

**3. Between approximately July 2013 and July 2014, you engaged in an inappropriate relationship with Person B, a former pupil, in that you engaged in sexual intercourse with Person B;**

In Person B’s witness statement, she stated that over the Summer of 2013, her mother was barely at home, so Mr Culling came around, approximately once a week, and that they would talk and have sexual intercourse. She stated that she moved into a flat [REDACTED] in late August 2013, and that a lot of sexual acts including touching and oral sex happened in very public areas, as she was living with [REDACTED], and Mr Culling was living with [REDACTED].

Person B stated that around Valentine's Day, they went away together for a night in a hotel [REDACTED] that Mr Culling had booked.

In oral evidence, Person B confirmed that she and Mr Culling continued to have a sexually active relationship after 24 June 2013.

Given the assessment the panel made of Person B's credibility, the panel considered that it was more likely than not that Mr Culling had engaged in sexual intercourse with Person B, a former pupil between approximately July 2013 and July 2014.

**4. Your actions at paragraphs 1a and/or 1b and/or 1d and/or 1e and/or 1f and/or 1g and/or 1h and/or 1i and/or 1j and/or 2 and/or 3 above was sexually motivated;**

The panel considered that sexual motivation could be easily inferred in respect of conduct that was obviously of a sexual nature, for example the oral sex and the sexual intercourse. Those acts were clearly for sexual gratification. However, the panel considered whether Mr Culling's conduct leading up to those sexual acts could be inferred from all of the circumstances in the case. The panel noted that the state of Mr Culling's mind was not something that could be proved by direct observation, and that it could only be inferred or deduced from surrounding evidence.

The panel noted that during the School's investigation, Mr Culling denied having had feelings for Person B until September/October 2013, after she left the School. However, he commented that "the gradual process of initially getting to know a person (platonically) had already occurred during Person B's time at school, and this preceded the subsequent change in the nature of their relationship which occurred after Person B had left school." As referred to above, the panel did not accept that Mr Culling's relationship with Person B had only started after she left the School. However, the panel considered that his summary of having got to know Person B whilst she was at school reflected what had happened, as evidenced by the email exchanges.

The panel noted that there was a gradual progression from exchanging emails of a personal, rather than school related nature, establishing contact outside of school hours and via personal mobile phones, sharing their appreciation for music and humour, then a tentative exploration of Mr Culling's feelings for Person B before physical contact was established in the form of hugs, kisses and ultimately sexual contact.

The panel considered that reasonable persons would think the conduct found proven at 1a, 1b, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 2 and 3 above could be sexually motivated. The panel considered that, in all the circumstances of the conduct in this case, it is more likely than not that Mr Culling's conduct was done either in pursuit of sexual gratification or a future sexual relationship.

The panel found this allegation proven.

**5. Your conduct at paragraphs 1f and/or 1g and/or 1h and/or 2 and/or 3 above was sexual in nature;**

The panel considered that the conduct found proven at allegation 1h, 2 and 3 above was because of its very nature sexual. With respect to the conduct found proven of hugging Person B and kissing her, the panel also found this to be conduct of a sexual nature, given the circumstances of establishing physical contact prior to developing a full sexual relationship.

The panel found this allegation proven.

**6. At the time of your conduct towards Pupil B, as detailed in paragraphs 1 and/or 2 and/or 3 above, you knew or ought to have known that Person B was vulnerable;**

The panel noted that Mr Culling had completed pastoral records on 25 May 2012 (referring to Person B having seen him on numerous occasions over the previous few months for support and advice [REDACTED]) He completed a further record on 11 June 2012 noting that Person B had informed him that [REDACTED]. He made a further record on 25 June 2012 regarding the status of [REDACTED] On 6 July 2012, Mr Culling made a record regarding [REDACTED]. On 13 February 2013, Mr Culling made a record of Person B having visited him in a very upset state. On 4 March 2013, Mr Culling made a record regarding changes to [REDACTED] and, on 18 April 2013, a further record regarding [REDACTED]. These all indicated that at the time of Mr Culling's conduct towards Person B, he knew that Person B was vulnerable.

Person B's vulnerability and [REDACTED] were also evident from the exchanges of her emails with Mr Culling.

The panel found this allegation proven.

**7. In or around January 2023 you contacted Person B and told her that it was best not to engage with the Teaching Regulation Agency proceedings, or words to that effect.**

Person B exhibited to her statement a WhatsApp message from Mr Culling. Whilst the number from which the message had been received was redacted in the bundle, Person B confirmed that the message had been received from Mr Culling's number. The panel considered that it was more likely than not that Mr Culling had sent the message since it was consistent with his actions during the School's investigation of asking Person B to lie when their relationship began to protect his career opportunities in the future.

The panel noted that the sequence of messages included "As you know I was referred to the TRA. It is going to a hearing. You may be contacted to be a witness. So the first thing

was to warn you of that. The second thing was that I'm hoping you will agree with me that it is best not to engage with it. You can't be made to."

The panel found that it was more likely than not that Mr Culling contacted Person B in or around January 2023 and told her that it was best not to engage with the TRA proceedings, or words to that effect.

The panel found this allegation proven.

#### **8. Your conduct at paragraph 7 was:**

##### **a. Dishonest; and/or**

The panel considered Mr Culling's state of knowledge and belief at the time. In January 2023, Mr Culling would have been aware that there were TRA proceedings against him. One of the messages in the exchange stated, "it is important and for both of us not just me". Had Mr Culling's message been solely to warn Person B that she may be contacted as a witness so that she was expecting it, the message would not have referred to this being important for "both of us". The panel noted that the exchange concluded with Mr Culling asking, "are you willing not to engage with the process". Mr Culling would not have needed to ask this, if his intention had been in the interests of Person B. The panel considered that Mr Culling's intention was to coerce Person B into not giving evidence. The panel considered that the ordinary honest person would consider it dishonest for a defendant to seek to dissuade a witness from giving evidence in regulatory proceedings investigating their conduct.

The panel found this allegation proven.

##### **b. Lacked integrity.**

The panel considered that Mr Culling's conduct sought to evade the proper oversight of his own profession. As a professional, he was expected to adhere to the ethical standards of his profession and have due regard to the oversight of those standards. The panel considered therefore that Mr Culling's actions lacked integrity.

The panel found this allegation proven.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as “the Advice”.

The panel first considered whether the conduct of Mr Culling, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that Mr Culling had breached the obligations set out in the Preamble to act with honesty and integrity.

The panel considered that, by reference to Part 2, Mr Culling was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Witness A stated that whilst she did not recall a policy regarding former pupils, relationships between staff and pupils were not permitted. She stated that she believed that the School’s disciplinary policy listed “inappropriate conduct with a pupil” as an example of gross misconduct which would result in dismissal without notice.

The panel was satisfied that the conduct of Mr Culling in relation to the facts found proved, involved breaches of Working Together to Safeguard Children March 2013 which made clear that promoting the welfare of children and protecting them from harm is everyone’s responsibility and that everyone who comes into contact with children and families has a role to play. The guidance made clear that a child’s needs are paramount. In developing a sexual relationship with Person B, Mr Culling failed to promote her welfare or to put her needs first.

The panel also considered whether Mr Culling’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel found that the offences of sexual activity; and controlling or coercive behaviour were relevant.

The panel noted that Mr Culling was a child protection officer at the School, and as such had appropriate training in safeguarding. Despite this, he took advantage of the position of trust he was in towards a vulnerable child for his own gratification.

The panel noted that some of the allegations found proven took place outside the education setting. The panel heard evidence of the long-term impact on Person B including the shame she feels as a result of their relationship and of having been coerced to lie to protect him. It has tainted her memories of her school experience, and she referred to having “struggled to see herself in a good light”. Mr Culling’s conduct led to Person B being exposed to, or influenced by, his behaviour in a harmful way.

For these reasons, the panel was satisfied that the conduct of Mr Culling amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Culling’s actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Culling’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel’s findings as to whether Mr Culling was guilty of unacceptable professional conduct, the Panel found that the offence of sexual activity and coercive and controlling behaviour were relevant.

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.

The panel considered that Mr Culling’s conduct could potentially damage the public’s perception of a teacher. The panel was aware from Witness A’s evidence that at the time of the School’s investigation, there was press attention regarding the rumours that were circulating at the time. Witness A explained in her witness statement that members of the press tried to climb into the school grounds to take photographs, staff and pupils were approached by journalists and journalists had attended both her own home address and

that of governors at the School. The publicity that the allegations attracted at the time is indicative that the conduct found proven was of a nature that would bring Mr Culling's own status into disrepute, as well as that of the profession.

For these reasons, the panel found that Mr Culling's actions 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 safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of having had an inappropriate sexual relationship with a vulnerable pupil.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Culling 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 Culling was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Culling in the profession. Whilst there is evidence that Mr Culling had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Culling in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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 Culling.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or 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 (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:

- any activity that involves knowingly substantiating another person's statements where they are known to be false;
- failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
- encouraging others to break rules;
- lying to prevent the identification of wrongdoing;

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.

There was evidence that Mr Culling's actions were deliberate.

There was no evidence to suggest that Mr Culling was acting under extreme duress, e.g. a physical threat or significant intimidation

Mr Culling did have a previously good history, although there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

Mr Culling provided no testimonial statements attesting to his character or to his history as a teacher. The panel noted that Mr Culling was provided with a reference when he left the School which rated him as "excellent" in various facets of his role save that his overall confidence and behaviour management skills were rated as "good". The reference referred to Mr Culling has been a "hugely reliable and talented colleague" and that "he cares deeply and this, coupled with superb subject knowledge and a huge academic ability mean that he has been able to achieve some outstanding academic results over the years". The referee also commented on Mr Culling's "quite excellent" management skills. The panel placed little weight on this evidence given the extent of misconduct that the panel has found proven whilst Mr Culling was at the School.

There was no evidence before the panel to suggest Mr Culling has any insight or remorse. Mr Culling did not participate in the proceedings, nor did he present any evidence in mitigation. Mr Culling sought to conceal the extent of his relationship with Person B during the School's investigation and coerced Person B into lying for him. This continued by Mr Culling seeking to coerce Person B into not giving evidence in these proceedings, with the objective of frustrating the process.

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 Culling of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Culling. Mr Culling exploited his position to advance a sexual relationship with a vulnerable pupil, and his misconduct was of the utmost seriousness. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

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

These include:

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

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

One of these include fraud or serious dishonesty.

Mr Culling has not demonstrated any remorse or insight. To the contrary he sought to frustrate these proceedings. The panel considered that there was no evidence upon which it could assess that the risk of repetition was low.

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 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

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

following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Culling involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education' and 'Working together to safeguard children'.

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

The findings of misconduct are particularly serious as they include a teacher engaging in a sexual relationship with a vulnerable pupil as well as behaviour that was coercive, dishonest and lacked integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a

prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Culling, 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 made this observation:

“The panel was satisfied that the conduct of Mr Culling in relation to the facts found proved, involved breaches of Working Together to Safeguard Children March 2013 which made clear that promoting the welfare of children and protecting them from harm is everyone’s responsibility and that everyone who comes into contact with children and families has a role to play. The guidance made clear that a child’s needs are paramount. In developing a sexual relationship with Person B, Mr Culling failed to promote her welfare or to put her needs first.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“There was no evidence before the panel to suggest Mr Culling has any insight or remorse. Mr Culling did not participate in the proceedings, nor did he present any evidence in mitigation. Mr Culling sought to conceal the extent of his relationship with Person B during the School’s investigation and coerced Person B into lying for him. This continued by Mr Culling seeking to coerce Person B into not giving evidence in these proceedings, with the objective of frustrating the process.”

In my judgement, the lack of evidence of that Mr Culling has developed any insight or remorse means that there is some risk of the repetition of this behaviour, and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel records the following:

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

I am particularly mindful of the finding of a teacher pursuing a sexual relationship with a vulnerable pupil in this case and the negative impact that such a finding has on the reputation of the profession. The fact that, as the panel notes, he had a role as a safeguarding officer is only likely to exacerbate that negative impact still further.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Culling himself. The panel makes the following comments:

“Mr Culling did have a previously good history, although there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

Mr Culling provided no testimonial statements attesting to his character or to his history as a teacher. The panel noted that Mr Culling was provided with a reference when he left the School which rated him as “excellent” in various facets of his role save that his overall confidence and behaviour management skills were rated as “good”. The reference referred to Mr Culling has been a “hugely reliable and talented colleague” and that “he cares deeply and this, coupled with superb subject knowledge and a huge academic ability mean that he has been able to achieve some outstanding academic results over the years”. The referee also commented on Mr Culling’s “quite excellent” management skills. The panel placed little weight on this evidence given the extent of misconduct that the panel has found proven whilst Mr Culling was at the School.”

A prohibition order would prevent Mr Culling from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the very serious nature of the misconduct found, which involved a teacher engaging in a sexual relationship with a vulnerable pupil. I am also mindful of the lack of evidence of insight and remorse and the likely adverse impact on the reputation of the profession.

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

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

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

I have considered the panel's concluding comments:

"Mr Culling has not demonstrated any remorse or insight. To the contrary he sought to frustrate these proceedings. The panel considered that there was no evidence upon which it could assess that the risk of repetition was low.

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 provision for a review period."

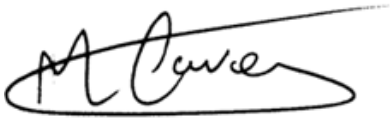
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct very found, which in my judgment constitutes behaviour fundamentally incompatible with working as a teacher, as well as 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 Philip Culling 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 Culling 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 Culling has a right of appeal to the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a large, loopy oval stroke.

**Decision maker: Marc Cavey**

**Date: 10 April 2025**

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