



Teaching  
Regulation  
Agency

# **Mr Allan Sharp: Professional conduct panel meeting outcome**

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

**June 2022**

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

<b>Teacher:</b>	Mr Allan Sharp
<b>Teacher ref number:</b>	0847908
<b>Teacher date of birth:</b>	29 August 1986
<b>TRA reference:</b>	19017
<b>Date of determination:</b>	10 June 2022
<b>Former employers:</b>	Aldercar High School, Derbyshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually, via Microsoft Teams, on 10 June 2022 to consider the case of Mr Allan Sharp.

The panel members were Mr Ronan Tyrer (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Mr Roger Woods (former teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Sharp that the allegations be considered without a hearing. Mr Sharp provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Sharp or his representative.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 16 March 2022.

It was alleged that Mr Sharp was guilty of having been convicted of relevant offences, in that on 17 March 2020, he was convicted of:

1. Making an indecent photograph or PSEUDO-photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).
2. Making an indecent photograph or PSEUDO-photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).
3. Making an indecent photograph or PSEUDO -photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).

Mr Sharp admitted the facts of the allegations and that each of the offences amounted to a conviction for a relevant offence.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 1 to 2

Section 2: Notice of referral, response and Notice of Meeting – pages 3 to 16

Section 3: Statement of agreed facts and presenting officer representations – pages 17 to 21

Section 4: Teaching Regulation Agency documents – pages 22 to 88

Section 5: Teacher's documents – pages 89 to 100

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

## Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Sharp on 27 October 2021.

## Decision and reasons

The panel's decision and reasons are as follows:

In advance of the meeting, the TRA agreed to a request from Mr Sharp for the allegations to be considered without a hearing.

The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Mr Sharp was previously employed as a mathematics teacher at the South Nottinghamshire Academy ("the Academy"). He commenced working at the Academy on 1 September 2009.

On 24 March 2015, Mr Sharp resigned from his position at the Academy.

On 9 September 2017, he commenced employment as a mathematics teacher at Aldercar High School ("the School").

On 19 August 2019, Mr Sharp was arrested on suspicion of possessing/making indecent images of children following a search of his home by the police, which identified a hard drive containing indecent images of children. Following this, on 28 August 2019, Mr Sharp was suspended by the School. On 31 December 2019, Mr Sharp's position at the School was terminated following his resignation which was tendered the previous October.

On 9 January 2020, Mr Sharp was charged to appear at Court on 18 February 2020. On 17 March 2020, he was convicted of three offences contrary to the Protection of Children Act 1978 at Nottingham Crown Court.

On 7 July 2020, he was sentenced at the same Court.

Mr Sharp was referred to the TRA by Derbyshire County Council on 9 January 2020.

## Findings of fact

The findings of fact are as follows.

The panel found the allegations against you proved, for these reasons.

1. **Making an indecent photograph or PSEUDO-photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).**
2. **Making an indecent photograph or PSEUDO-photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).**
3. **Making an indecent photograph or PSEUDO -photograph of a child on 5 February 2009, contrary to the Protection of Children Act 1978 s.1 (a).**

The panel considered allegations 1, 2 and 3 together.

The panel was presented with a statement of agreed facts, signed by Mr Sharp, in which all of the allegations were admitted.

It was confirmed that on 19 August 2019, the police conducted a search of Mr Sharp's home address following which a number of devices were seized and examined. One device, a Hitachi hard drive, was found to contain indecent images of children, namely:

- 2 Category A still images;
- 2 Category B still images; and
- 2 Category C still images.

A description of the images was included in the hearing papers.

Mr Sharp was interviewed by the police on 19 August 2019 and 18 November 2019.

The panel was presented with a certificate of conviction from Nottingham Crown Court, confirming that Mr Sharp was convicted, on 17 March 2020, of each of the offences particularised in allegations 1, 2 and 3.

On 7 July 2020, he was sentenced to:

- a. A Community Order for 2 years;
- b. A Rehabilitation Activity Requirement for a maximum of 25 days;
- b. 80 hours unpaid work requirement;

- c. Participation in an accredited sexual offending group work programme for no more than 90 days;
- d. A sexual harm prevention order and a requirement to sign the Sex Offender's register for 5 years; and
- e. A forfeiture order under section 143 of the Powers of the Criminal Courts (Sentencing) Act 2000.

Additionally, it was ordered that Mr Sharp was prohibited from:

- Using computers or devices capable of accessing the internet unless specific conditions were met;
- Interfering with or bypassing the normal running of computer monitoring software;
- Using or activating any function of any software which prevents a computer or device from retaining and/or displaying the history of internet usage;
- Using any 'cloud' or similar remote storage media capable of storing digital images unless specific conditions were met;
- Possessing any device capable of storing digital images unless specific conditions were met; and
- Installing any encryption or wiping software on any device other than that which is intrinsic to the operation of the device.

The panel was presented with the sentencing remarks of the presiding judge sitting at Court on 7 July 2020, summarising the offences and the reasons for the sentence imposed.

The panel accepted the certificate of conviction as conclusive proof of the commission of these offences by Mr Sharp.

In light of this and Mr Sharp's admissions, it found allegations 1, 2 and 3 proved.

### **Findings as to conviction of a relevant offence**

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence, which Mr Sharp admitted.

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 was satisfied that the conduct of Mr Sharp, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Sharp was in breach of the following standards, having in mind, first, that the children depicted were of school age and, secondly, that the images appeared to have been retained by Mr Sharp from 2009 up until his arrest:

- 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
  - showing tolerance of and respect for the rights of others
- 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 determined that Mr Sharp's actions were clearly relevant to teaching, working with children and working in an education setting. Each of these offences were very serious in nature and directly involved children, although it is important to record that there was no direct link with Mr Sharp's former employers.

This was a case involving the following offences that the Advice states are likely to be considered a relevant offence:

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one off incidents.

Mr Sharp's behaviour in committing these offences engaged public and child protection issues. That was apparent not just from the nature of the offences but also the wider context including how it was that Mr Sharp's conduct came to light and the age of the children depicted in the images, with particular reference to the judge's sentencing remarks.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Sharp's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His



conduct ran counter to what should be at the very core of the practice of a teacher with a duty of care towards children.

The panel also took account of the fact that Mr Sharp's behaviour ultimately led to a 2 year community order. The public and child protection issues engaged by Mr Sharp's actions were amply demonstrated by the other aspects of the sentence imposed, particularly the sexual harm prevention order for a period of 5 years.

The panel did not consider there to be any relevant mitigating circumstances in relation to the commission of these offences.

In conclusion and for all these reasons, the panel found that the seriousness of the offending behaviour that led to the conviction was directly relevant to Mr Sharp's ongoing suitability to teach. The panel considered that a finding that this conviction was for relevant offences 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 relevant offences, it was necessary for it to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

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

- the protection of pupils and other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the nature of the offences for which Mr Sharp was convicted and having regard to the specific context, with particular reference to the judge's sentencing remarks, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. Mr Sharp's actions raised obvious and significant public and child protection concerns, as was clearly recognised by the Court when imposing sentence.

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

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

Whilst no doubt had been cast upon Mr Sharp's abilities as an educator, given the nature of the allegations in this case the panel concluded there was not a strong public interest consideration in retaining him in the profession.

Notwithstanding 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 this would have on Mr Sharp.

In carrying out the balancing exercise, the panel had regard to the public interest considerations present as well as the interests of Mr Sharp. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; and
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents.

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.

The panel considered that the following mitigating factors are present in this case:

- Mr Sharp appeared to have had an otherwise unblemished record. There was evidence of good character prior to his conviction.

- Although the panel was not presented with positive references or testimonials regarding his practice as a teacher, Mr Sharp's abilities as an educator had not been challenged.
- Mr Sharp had fully engaged with the TRA and made full admissions.
- Mr Sharp had not been sentenced to a custodial sentence due to the relatively few number of images retained.
- There was some evidence of regret and remorse.
- There was evidence that Mr Sharp had engaged with and met the terms of his sentence.

Weighed against this, the aggravating features in this case included that:

- Mr Sharp's actions were deliberate and he was not acting under duress.
- There was no evidence of insight in relation to Mr Sharp's understanding of the implications his conduct gave rise to.
- His actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns.
- Mr Sharp has been convicted of and sentenced for very serious offences involving children, and remained subject to a sexual harm prevention order and to sign the Sex Offender's register.
- His actions involved harm and abuse to children and the images appeared to have been in his possession for a prolonged period of time, including when he would have been working with pupils of the same age as those depicted in the images.
- Mr Sharp was an experienced teacher who was in a position of trust and responsibility. He was also a role model. He had fallen very far short of the standards expected of him in that regard.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Sharp of prohibition.

Mr Sharp's actions were fundamentally incompatible with his being a teacher. This was conduct of the most serious nature. The nature and gravity of these offences was a matter of significant concern. There were, accordingly, particularly strong public interest considerations in this case in terms of protecting the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

Mr Sharp's behaviour led to him receiving a significant sentence, which is indicative of the seriousness of the offences. The panel noted from the remarks of the sentencing judge that the category A images involve 13 to 14 year old boys, as did the others. However, those in category A involved penetrative sexual activity. There were also found to be multiple search terms within Mr Sharp's computer which, despite his denials about it, plainly indicated, in the view of the Court, that he had searched for the sorts of images of male children that he had downloaded. In the panel's view, these matters amply demonstrate both the seriousness of Mr Sharp's actions and the public and child protection issues this gives rise to.

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

Accordingly, it 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 to recommend that a review period of the order should be considered.

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 include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

This was, clearly, directly applicable in this case and Mr Sharp's action involved harm and abuse to children.

Whilst Mr Sharp appeared to have some remorse, there was no clear evidence of insight. To the contrary, the panel concluded that the assertions made by Mr Sharp did not exhibit a clear awareness of the implications of his actions, with particular reference to public confidence in the profession. For example, repeated reference was made to the

fact that the offences were non-contact in nature. This failed to recognise that whilst the offences involved images, they were images of real children who had been abused.

The panel did note and consider the evidence that Mr Sharp had been assessed by his probation officer as being at low risk of serious harm in some respects, in the probation officer's professional opinion. He had also engaged with the Court's sentence and appeared to have made some positive changes to his life, albeit it was not clear in what precise respects.

However, the panel nonetheless decided that its findings indicated a situation in which a review period would not be appropriate.

The nature and seriousness of the offences in this case necessitated the prohibition order to be recommended without provision for a review period. The public interest considerations that Mr Sharp's conviction gives rise to were such that this was necessary, appropriate and proportionate. The panel repeats that Mr Sharp's actions are, fundamentally, incompatible with his being a teacher.

## **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 Allan Sharp should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others

- 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 also, “determined that Mr Sharp's actions were clearly relevant to teaching, working with children and working in an education setting.”

The findings of misconduct are particularly serious as they include a finding of making an indecent image of a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Sharp, 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, “Mr Sharp's action involved harm and abuse to children.”

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, “There was no evidence of insight in relation to Mr Sharp's understanding of the implications his conduct gave rise to.” 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 Sharp's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should be at the very core of the practice of a teacher with a duty of care towards children.”

I am particularly mindful of the finding of making an indecent image of a child 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 a relevant conviction, 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 Sharp himself. The panel comment “Mr Sharp appeared to have had an otherwise unblemished record. There was evidence of good character prior to his conviction.”

A prohibition order would prevent Mr Sharp 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 Sharp's behaviour led to him receiving a significant sentence, which is indicative of the seriousness of the offences. The panel noted from the remarks of the sentencing judge that the category A images involve 13 to 14 year old boys, as did the others. However, those in category A involved penetrative sexual activity. There were also found to be multiple search terms within Mr Sharp's computer which, despite his denials about it, plainly indicated, in the view of the Court, that he had searched for the sorts of images of male children that he had downloaded. In the panel's view, these matters amply demonstrate both the seriousness of Mr Sharp's actions and the public and child protection issues this gives rise to.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Sharp 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, 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 "Whilst Mr Sharp appeared to have some remorse, there was no clear evidence of insight. To the contrary, the panel concluded that the assertions made by Mr Sharp did not exhibit a clear awareness of the implications of his actions, with particular reference to public confidence in the profession. For example, repeated reference was made to the fact that the offences were non-contact in nature. This failed to recognise that whilst the offences involved images, they were images of real children who had been abused."


I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review period is necessary and proportionate are the nature of the offences and the lack of full insight.

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 Allan Sharp 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 Allan Sharp 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 Allan Sharp 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.



**Decision maker: Alan Meyrick**

**Date: 10 June 2022**

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