



Teaching  
Regulation  
Agency

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

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

**December 2022**

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

<b>Teacher:</b>	Mr Paul Allan
<b>Teacher ref number:</b>	0780434
<b>Teacher date of birth:</b>	21 June 1970
<b>TRA reference:</b>	016499
<b>Date of determination:</b>	13 December 2022
<b>Former employer:</b>	Bishop Stopford School, Kettering

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by video link on 1 August 2022 to 3 August 2022 and 12 December 2022 to 13 December 2022 to consider the case of Mr Paul Allan.

The panel members were Mr Jeremy Phillips KC (lay panellist – in the chair), Ms Monique Harlin (teacher panellist) and Ms Nicola Hartley (lay panellist).

The legal adviser to the panel was Ms Anna Marjoram in respect of the hearing from 1 to 3 August 2022 and Mrs Luisa Gibbons in respect of the hearing from 12 to 13 December 2022, both of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Paul Allan was present and was not represented.

The hearing took place in public, save for the parts of the hearing discussed in the preliminary application below, and it was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 May 2022 as amended by the application of the presenting officer.

The following allegations were made against Mr Allan:

It is alleged that he is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that between 2015-2018:

1. He engaged in activity which was inappropriate and/or demonstrated a sexual interest in children in that he:
  - a. accessed and/or were in possession of one or more indecent bestiality images;
  - b. engaged in a discussion on an internet website relating to incest;
  - c. made one or more internet searches for 'Mommys teen teaching masturbation' or used search terms to that effect.
2. His behaviour as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.
3. He sought to conceal that he had accessed and/or were in possession of one or more indecent images of children, in that he:
  - a. reinstalled the operating devices on his laptop on one more occasions;
  - b. used Tor Browser which allows users anonymity on the Internet for purposes of concealing indecent images and/or indecent web searches and/or indecent web chats.
4. His conduct as may be found proved at allegation 3 above lacked integrity and/or was dishonest.

Mr Allan admitted the facts of allegation 1 b, 1 c. He admitted having carried out the actions alleged in allegations 3 a and 3 b but denied the stem of the allegation. He denied allegations 1, 2 and 4.

Mr Allan admitted that the facts of allegation 1 b amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute only. He denied that the facts he had admitted in relation to allegation 1c, 3a and 3b amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

Prior to considering any preliminary applications, the presenting officer made submissions that the panel should apply the Teacher Misconduct: Disciplinary

Procedures for the teaching profession dated April 2018 (the “2018 Procedures”) when considering this case, noting that a referral was made to the TRA in June 2017 regarding Mr Allan’s conduct. Mr Allan did not object to this. After receiving advice from the legal advisor, it was agreed that the 2018 Procedures would apply.

The panel considered two applications from the presenting officer:

1. that the Notice of Hearing be amended; and
2. that a short adjournment is agreed on the first day of the hearing due to the availability of the TRA’s sole witness.

The panel also considered an application from Mr Allan for the hearing to be conducted in private.

### Amendment of allegations

An application was made by the presenting officer to amend the Notice of Hearing by adding wording before the facts of the allegations as follows:

*“It is alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that between 2015-2018:*

*...”*

It was proposed that this wording is included before the commencement of allegations 1-4, under the subheading “The allegations”.

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The teacher did not object to the application.

The panel were concerned that this application was made at such a late stage in the proceedings, and through raising its own concerns regarding the drafting of the allegations, and exercised caution to ensure that there was no unfairness to the teacher. The panel noted the presenting officer’s submission that there had been an administrative error, with particular reference to the fact that the teacher appeared to have been notified of the allegations which included wording similar to the current proposed amendment in the Notice of Referral dated May 2021 (which the panel did not have sight of). The reference had therefore been disclosed to the teacher prior to the hearing.

The panel considered that the amendment proposed does not change the nature, scope or seriousness of the allegations as first put to Mr Allan. The facts of the alleged conduct

to be proved remain the same and, on that basis, there is no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher.

The panel had in mind that the interests of justice were in favour of the allegations not being defeated as a result of poor drafting. The allegation that Mr Allan's behaviour constituted unacceptable professional conduct and/or conduct that may bring the profession into disrepute, had previously been put to him, and those criticisms remained the same by the facts of allegations 1 to 4, regardless of whether this was explicitly and separately referred to. The panel also acknowledged that it was a fundamental part of the proceedings to consider the facts and then consider whether those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, and therefore Mr Allan should have been aware that this was the standard to which he was being assessed.

The panel therefore agreed to the amendment.

### Adjournment

The panel considered whether this hearing should be adjourned for the afternoon of the first day of the hearing on the application of the presenting officer, owing to a change in the availability of the TRA's sole witness.

The panel heard representations from the presenting officer and the teacher (who did not oppose the application provided it did not limit his opportunity to present his response to the panel).

The panel determined to exercise its discretion under Paragraph 4.54 of the Procedures to adjourn the hearing following opening statements from both parties, until 2 August 2022, to enable the TRA's witness to be available for the hearing.

The panel had regard to the public interest in dealing with cases expediently but did not consider that a short adjournment would prejudice the teacher or obstruct reaching a conclusion in this case. The panel reassured Mr Allan that he would be given every opportunity to present his case as if the adjournment had not occurred.

### Hearing in private

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

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

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel noted that there are concerns about confidential matters relating to the teacher's health being placed in the public domain, and the teacher's other submissions in relation to being able to fully contribute to the hearing. The panel balanced the reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required. On this occasion, the panel considered that the request for the hearing to be heard in private is a reasonable one for part of the proceedings given concerns about confidential matters relating to the teacher's health being placed in the public domain.

The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel therefore considered whether there are any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health and other potentially sensitive issues. The panel agreed that, in the first instance, Mr Allan's own evidence would be heard in private; and, to the extent it becomes necessary during the course of the hearing to discuss medical or otherwise personally sensitive matters, the panel can consider at that stage whether to exclude the public from that portion of the hearing only.

The panel had regard to whether the teacher's request runs contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues any decision of the Secretary of State will also be in public. The panel considered in the circumstances of this case that the public interest will be satisfied by these public announcements, which will ensure that public confidence in these proceedings and the standards of the profession are maintained.

The panel also noted that the teacher had concerns that information of an intimate nature may arise relating to third parties. Should it be necessary for such information to be referred to in the course of this hearing, the panel will consider at that time, whether the public should be excluded from the hearing, or whether it would sufficiently protect the interests of third parties to grant anonymity to those third parties without the need to exclude the public from the hearing.

## **Summary of evidence**

## Documents

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

Section 1: Notice of Hearing – pages 4 to 7

Section 2: Teaching Regulation Agency witness statements – pages 10 to 41 and 21 to 41

Section 3: Teaching Regulation Agency documents – pages 13 to 126

Section 4: Teacher documents – pages 128 to 132

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

At the commencement of the hearing, there was some discussion regarding the version of the bundle that Mr Allan had received. The panel were satisfied prior to the parties giving opening statements that Mr Allan had received in advance the same documents as the panel and which the presenting officer also had access to.

During the course of the hearing the presenting officer applied to admit one document, which is a Sexual Risk Order dated the 12<sup>th</sup> of May 2021. This document was not served in accordance with the requirements of paragraph 4.20 of the Procedures and, as such, the panel was required to decide whether this document should be admitted under paragraph 4.25 of the Procedures and the discretion of the panel. The panel took into account the representations from the Presenting Officer and the representations raised by the teacher to the admission of the document. Under paragraph 4.18 of the Procedures, the panel may admit any evidence where it is fair to do so which may reasonably be considered to be relevant to the case. The panel was satisfied that this document may reasonably be considered to be relevant to the allegations in this case. The panel agreed it was regrettable that a new document had come to light at this late stage and assured the teacher that he would be able to make comments on the document. By reason of the above, the panel decided to admit the document and this should be paginated as follows: page 133 to 135.

Mr Allan applied to admit a statement from his [REDACTED] regarding the Sexual Risk Order. There was no objection from the presenting officer as to the admission of this document. The panel decided that it was fair for Mr Allan to have the opportunity to submit evidence to respond to the Sexual Risk Order. The panel decided to admit the document and it was paginated as page 136 to 138.

The panel confirmed it had read these additional documents.



## Witnesses

The panel heard evidence from a detective constable called by the presenting officer. The panel also heard oral evidence from Mr Allan and [REDACTED].

## 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 Allan was employed by Bishop Stopford School (the “School”) as a Teacher of Mathematics from 1 September to 31 August 2017. Prior to this, he taught at the School as a Supply Teacher from 11 December 2014 to 17 July 2015.

Mr Allan was arrested on 23 June 2017 and, on the same date, he was suspended from the School pending police investigation. A referral was made to the Local Authority Designated Officer on 26 June 2017.

## 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:**

**Between 2015-2018:**

**1. You engaged in activity which was inappropriate and/or demonstrated a sexual interest in children in that you:**

**b. engaged in a discussion on an internet website relating to incest;**

Mr Allan admitted this allegation.

A detective constable, working in the paedophile online investigation team (POLIT) gave evidence that during the course of a police investigation, an undercover officer engaged in a conversation with Mr Allan on the platform Chatstep and in the chatroom “FatherFiguresUK” on that site. He confirmed that electronic information and IP address resolved back to Mr Allan’s home address. He stated that there was no way of identifying who was using the computer at the time, but a forensic computer examiner attributed the computer to Mr Allan through login details, search history and profiles on the computer.

Mr Allan confirmed that he had enjoyed adult chat with other adults on adult websites and that conversations tended to go with the flow of the interests of both parties and could

touch upon many aspects of adult sexuality. He accepted that the Chatstep log touched on what could be described as an inappropriate topic.

The panel has seen the Chatstep log. This includes comments by the user identified as Eric such as “and dads that spank here”, “actually haven’t started yet is why I’m asking advice, I take it you spank?”, “their mum knows? into it too?” and “how is youngest with receiving oral”.

Mr Allan explained that when using chatrooms, he would play a character [REDACTED].

Having viewed the messages, and heard Mr Allan’s explanation, the panel found that the discussion that Mr Allan had held on the internet website related to incest. The panel also found the discussion to be both inappropriate and to demonstrate a sexual interest in children. He was willing to have a discussion with others that involved children being the subject of an abusive sexual relationship with a family member.

**2. Your behaviour as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.**

Mr Allan denied this allegation.

The panel found that the messages relating to incest that Mr Allan exchanged with others were of a sexual nature. By virtue of the fact that they concerned incest, whatever Mr Allan’s purpose had been in relation to those messages, his messages were by their nature sexual. [REDACTED]. Therefore, the panel found Mr Allan’s proven conduct to be both of a sexual nature and sexually motivated.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**Between 2015-2018:**

**1. You engaged in activity which was inappropriate and/or demonstrated a sexual interest in children in that you:**

**a. accessed and/or were in possession of one or more indecent bestiality images;**

Mr Allan denied this allegation.

The detective constable confirmed that a laptop was seized from Mr Allan’s address and was forensically examined. The forensic examination report confirms that 93 images depicting bestiality were located in user inaccessible areas on this laptop. 41 of those images were located in temporary internet files and had creation dates between 5 April 2008 and 24 August 2009. The report stated that the images [REDACTED].

Mr Allan did not dispute such images were found on this old device, but stated that he had never knowingly accessed bestiality images. He stated that he had inherited this device from someone else, who he knew tended to have refurbished computers. Mr Allan could not remember exactly when he came into possession of the laptop, but that it could have been after 2009.

[REDACTED].

Mr Allan's [REDACTED] gave evidence to the panel. She confirmed that the person who Mr Allan stated he had received the computer from was not knowledgeable about computers and that she would not have been surprised if he had downloaded files that he had not intended to. [REDACTED].

Since bestiality images were found on Mr Allan's laptop, he was therefore in possession of them. Given that the images were found in a user inaccessible area; the images were old; it was plausible that the laptop had been inherited; [REDACTED] the panel did not find it more probable than not that Mr Allan had accessed them. The panel did not find Mr Allan to have acted inappropriately in being in possession of the images, since if they were in a user inaccessible area, the panel accepted on the balance of probabilities that he had no reason to know that they were present. Further, the possession of the images could not demonstrate a sexual interest in children since the images were of adults and animals.

**c. made one or more internet searches for 'Mommys teen teaching masturbation' or used search terms to that effect.**

Mr Allan admitted this allegation.

The forensic examination report of Mr Allan's devices stated that this search term had been identified and was indicative of searching for indecent images of children.

Initially, Mr Allan could not recall carrying out this search, although did not deny it was amongst his search history.

[REDACTED]

Mr Allan explained that the video he was looking for depicted an adult, without the step-son being present. Furthermore the title of the search did not indicate the age of the child, since teen could mean an adult of eighteen or nineteen years old. The panel therefore did not find that it had been proven that this search was inappropriate, nor that it demonstrated a sexual interest in children.

**3. You sought to conceal that he had accessed and/or were in possession of one or more indecent images of children, in that you:**

**a. reinstalled the operating devices on his laptop on one more occasions;**

Mr Allan admitted that he had reinstalled the operating devices on his laptop but denied that he had sought to conceal the matters alleged.

The forensic examination report stated that the operating system installed on the laptop on which the search referenced in allegation 1c was found had been “installed (or re-installed) on 27 November 2016 at 22:57 hours”. This evidence was not conclusive as to whether the operating device had been reinstalled or not. Furthermore, the information appears to have been given with a view to attributing the identity of the user of the device, rather than suggesting that such actions were indicative of any attempt to conceal activity.

Mr Allan confirmed that he had restored factory settings on a device, perhaps twice (although he couldn't remember precisely) as an obvious solution to his computer slowing down or freezing.

The panel noted that the forensic examination report stated that no indecent images of children had been found on those devices seized from Mr Allan's address which had been examined.

The panel did not consider that it had been proven that Mr Allan had reinstalled the operating system on his laptop with the intention of seeking to conceal that he had accessed and/or was in possession of one or more indecent images of children. Since no such images had been found, the panel did not consider that Mr Allan had sought to conceal such activity, and that there were more likely legitimate reasons for having reinstalled the operating system.

**b. used Tor Browser which allows users anonymity on the Internet for purposes of concealing indecent images and/or indecent web searches and/or indecent web chats.**

Mr Allan admitted that he had used the Tor browser on his laptop but denied that he had sought to conceal the matters alleged.

The forensic examination report stated that the Tor browser had been installed on the laptop on which the search referenced in allegation 1c had been identified. It is stated that the Tor browser allows users anonymity on the internet making it difficult for agencies to track their IP address. The detective constable confirmed in oral evidence that presence of the Tor browser is a red flag, and that in many of their investigations they see the browser installed on suspect devices as it can be used to cloak internet usage.

Mr Allan explained that some of his friends with technical knowledge had recommended using the Tor browser for privacy. Since no indecent images of children had been found,

the panel considered that it was more probable that Mr Allan had installed the browser for legitimate reasons, rather than that he sought to conceal that he had accessed and/or was in possession of one or more indecent images of children.

#### **4. Your conduct as may be found proved at allegation 3 above lacked integrity and/or was dishonest.**

Since the panel made no finding in respect of allegation 3 above, it was unnecessary for the panel to go on to consider this allegation. For the avoidance of doubt, the panel also considered that Mr Allan had given a full and frank explanation to the panel of the matters under consideration.

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

Having found allegation 1b and 2 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 was satisfied that the conduct of Mr Allan, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Allan 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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

Incest and the sexualisation of children is contrary to fundamental British values and the rule of law. [REDACTED].

The panel was satisfied that the conduct of Mr Allan fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Allan’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of sexual activity was relevant, since the discussions related to sexual activity between online users and their children. 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 noted that the conduct found proven took place outside the education setting. However, it was capable of leading pupils to being exposed to, or influenced by, the behaviour in a harmful way since normalising the sexualisation of children encourages such behaviour. [REDACTED].

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

The panel went on to consider whether his conduct may bring the profession into disrepute. The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Allan's displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As referred to above the panel found that sexual activity was relevant for the reasons set out above.

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 conduct that may bring the profession into disrepute.

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 Allan's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars 1b and 2 proved, the panel further found that Mr Allan's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Allan and whether a prohibition order is necessary and proportionate. 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, 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 [REDACTED]. Mr Allan explained to the panel that he never imagined that online users in discussion with him were talking about real children. Mr Allan had no perception that his behaviour could encourage the abuse of children.

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

There is evidence that Mr Allan had ability as an educator, his [REDACTED] having explained his ability in tutoring children. However, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Allan in the profession, since his views are fundamentally incompatible with the safeguarding of children.

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 took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature ...;

actions or behaviours that ... undermine fundamental British values of ..., the rule of law...;

a deep-seated attitude that leads to harmful behaviour.

The panel considered Mr Allan to have such a deep-seated attitude. He continues to have an interest in understanding the psychology of paedophiles. He has described himself as “lending a sympathetic but discouraging ear” to those who engage in such behaviour given that there is no legal outlet for their sexual predilections. He also finds discussions about [REDACTED]. Mr Allan lacks the appreciation that exploring this in his online behaviour is potentially harmful. Although there is no evidence of any child having been harmed by Mr Allan’s conduct, by his behaviour he would risk encouraging this.

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 mitigation offered by Mr Allan and whether there were other mitigating circumstances. The panel took account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were Mr Allan be allowed to continue to teach.

There was evidence that Mr Allan’s actions were deliberate.

There was no evidence to suggest that Mr Allan was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Allan’s actions to be sexually motivated.

Mr Allan did have a previously good history as far as the panel is aware, but there was no evidence produced of him having demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education sector. He fairly described himself as an average teacher but a very good tutor and athletics coach.

The presenting officer confirmed that there were no disciplinary proceedings or warnings against Mr Allan as far as he was aware.

Mr Allan produced no statements attesting to his character or his ability as a teacher. However, the panel recognised that Mr Allan was not represented in these proceedings and, had he been represented, he might have been advised to provide testimonial statements.

Although Mr Allan admitted that his conduct was inappropriate, he appeared to have no appreciation of the harm that could be caused to children as a result of his beliefs which normalised discussions about incest, and the impact those views may have on others who might engage in such behaviour. He has expressed remorse for having put his family through the difficulties caused by his actions, and to the panel for having to deliberate over the case.



In accordance with the Guidance, 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 Allan 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 Allan. The inappropriate sexualisation of children was a significant factor in forming that opinion. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases 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 his professional position to influence or exploit a person or persons. The panel found that, although he did not use his professional position in this regard, Mr Allan was responsible for exchanging sexually motivated messages concerning incest.

Mr Allan gave a full and frank account to the panel of his actions and his motivations. He did not attempt to conceal those matters that drove his actions. However, he lacks recognition of the potential impact on children. He did not believe those children referred to in exchanges were real individuals and failed to make any connection between such online activity and the safeguarding of children. [REDACTED].

The panel decided that its 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 allegations 1b and 2 proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven including allegations 3 and 4, I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Allan 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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel finds that the conduct of Mr Allan fell significantly short of the standards expected of a teacher.

The findings of misconduct are particularly serious as they include a finding of sexually motivated behaviour in connection with a discussion on an internet website.

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "Incest and the sexualisation of children is contrary to fundamental British values and the rule of law. [REDACTED]. The panel also observed, "The panel noted that the conduct found proven took place outside the education setting. However, it was capable of leading pupils to being exposed to, or

influenced by, the behaviour in a harmful way since normalising the sexualisation of children encourages such behaviour.” 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, “Although Mr Allan admitted that his conduct was inappropriate, he appeared to have no appreciation of the harm that could be caused to children as a result of his beliefs which normalised discussions about incest, and the impact those views may have on others who might engage in such behaviour. He has expressed remorse for having put his family through the difficulties caused by his actions, and to the panel for having to deliberate over the case.” The panel also commented that, “Mr Allan gave a full and frank account to the panel of his actions and his motivations. He did not attempt to conceal those matters that drove his actions. However, he lacks recognition of the potential impact on children. He did not believe those children referred to in exchanges were real individuals and failed to make any connection between such online activity and the safeguarding of children. [REDACTED]. In my judgement, the lack of 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 considered that Mr Allan’s conduct could potentially damage the public’s perception of a teacher. I am particularly mindful of the finding of sexually motivated behaviour in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Allan himself, the panel comment “Mr Allan did have a previously good history as far as the panel is aware, but there was no evidence produced of him having demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education sector. He fairly described himself as an average teacher but a very good tutor and athletics coach.” A prohibition order would prevent Mr Allan from teaching and would also clearly deprive the public of his contribution to the

profession for the period that it is in force. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Allan has made to the profession.

In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases 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 his professional position to influence or exploit a person or persons. The panel found that, although he did not use his professional position in this regard, Mr Allan was responsible for exchanging sexually motivated messages concerning incest."

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 sexually motivated behaviour, the lack of either insight or remorse and the panel's concern that there is a risk of repetition of the proven behaviour.

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

**This means that Mr Paul Allan 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 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 has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: John Knowles**

**Date: 19 December 2022**

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