



Teaching  
Regulation  
Agency

# **Mr Emerson Barr: Professional conduct panel outcome**

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

**July 2023**

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

<b>Teacher:</b>	Mr Emerson Barr
<b>Teacher ref number:</b>	0961703
<b>Teacher date of birth:</b>	21 September 1975
<b>TRA reference:</b>	20943
<b>Date of determination:</b>	11 July 2023
<b>Former employer:</b>	Hawthorn Primary School, Birmingham City Council

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 and 11 July 2023 virtual means to consider the case of Mr Emerson Barr.

The panel members were Mrs Joanna Hurren (teacher panellist – in the chair), Mrs Gemma Hutchinson (teacher panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Mr Harry Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley solicitors.

Mr Barr was 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 proceedings dated 21 April 2023.

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

1. In relation to Child A:
  - a) On or around 19 February 2022, he wrestled Child A to the floor and/or pushed him [REDACTED];
  - b) On or around 22 February 2022 he:
    - i) Pushed Child A in the chest area;
    - ii) Threw or pushed Child A to the floor;
    - iii) Placed his hands around Child A's neck.

By a statement of agreed facts signed by both parties and dated 7 February 2023, Mr Barr has agreed the facts from which the allegations are based but, prior to the hearing, Mr Barr had not admitted that allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. At the outset of the hearing on 10 July 2023, Mr Barr confirmed that he now admits unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Decision on Excluding the Public

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the TRA that the hearing should be in private.

The panel determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the first and third bullet point of paragraph 5.85 of the Procedures that the public should be excluded from the hearing.

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. On this occasion, however, the panel considered that the request for the hearing to be heard in private, was

a reasonable one given concerns about confidential matters relating to the identity of Child A being placed in the public domain. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of Child A's identity, but considered that their identity, and that of their siblings, was so intertwined with the facts of this case, that it would not be practicable to exclude the public from parts of the hearing only.

The panel also considered 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. The panel were not satisfied that this would be a sufficient step given the background context to the allegations.

The panel had regard to whether the TRA'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 that in the circumstances of this case where the facts are so intertwined with Child A's identity that the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

## **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 3 to 5

Section 2: Notice of hearing, response to notice of hearing, and statement of agreed facts ("ASOF") signed by both parties – pages 6 to 13

Section 3: Teaching Regulation Agency witness statement – pages 14 to 23

Section 4: Teaching Regulation Agency documents – pages 24 to 127

Section 5: Teacher's representations including email correspondence between Mr Barr and TRA's representatives – pages 128 to 132

Section 6: TRA's skeleton submissions – pages 133 to 144 (the bundle does not expressly contain a 'section 6' but, for convenience, the panel have incorporated the TRA's skeleton submissions as a 'section 6' as the skeleton was provided separately to the main bundle).

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

## **Witnesses**

The panel heard oral evidence from the [REDACTED], called by the presenting officer, and Mr Barr.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

In September 2019, Mr Barr commenced working at Hawthorn Primary School (“the School”).

In 2021, Mr Barr was appointed as acting up Deputy Head teacher until 21 March 2022. On 2 March 2022 the police were notified of an altercation between Mr Barr and Child A [REDACTED].

On 4 March 2022 Mr Barr attended West Midlands police custody for a voluntary police interview. On the same date he signed a Community Resolution Form in which he admitted the alleged conduct relating to the offence of wilful assault of a child aged under 16.

On 12 July 2022, Mr Barr’s employer referred the matter to the TRA. On 14 February 2023 the TRA’s representatives reached the Agreed Statement of Facts with Mr Barr in which he admitted the factual allegations. Mr Barr informed the panel at the professional conduct hearing on 10 July 2023, that, on reflection, he now admitted that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Findings of fact**

The findings of fact are as follows:

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

### **1. In relation to Child A:**

- a) On or around 19 February 2022, he wrestled Child A to the floor and/or pushed him [REDACTED];**

Mr Barr admitted this allegation in the Agreed Statement of Facts. He also accepted in the professional conduct hearing of 10 July 2023 that this conduct amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

Mr Barr gave oral evidence in the hearing, during which he acknowledged his conduct during the incidents in question was wrong and fell short of the standards expected of teachers (as set out in the Teachers' Standards). The panel had particular regard to the Police Crime report dated 2 March 2023 (pages 114 to 120 in the bundle), which included Child A's account of events and Mr Barr's admission. The Crime report also includes details of [REDACTED] confirmation of the incident that took place on 21 February 2022. Although [REDACTED] did not provide witness evidence, her confirmation contained within the Crime report is corroborated by Child A's account (who also has not given evidence) and Mr Barr. The panel have attached weight to the contents of the Crime report in their considerations. The panel have also attached weight to the Community Resolution Form dated 4 March 2023 (pages 121 to 125) which sets out the details of the incident in question and which Mr Barr has signed, indicating his admission of the allegations against him. In light of Mr Barr's evidence and the Agreed Statement of Facts, the panel have found this allegation proven.

**b) On or around 22 February 2022 he:**

**i) Pushed Child A in the chest area;**

**ii) Threw or pushed Child A to the floor;**

**iii) Placed his hands around Child A's neck.**

Mr Barr admitted this allegation in the Agreed Statement of Facts. He also accepted in the professional conduct hearing of 10 July 2023 that this conduct amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

Mr Barr gave oral evidence in the hearing, during which he acknowledged his conduct during the incidents in question was wrong and fell short of the standards expected of teachers (as set out in the Teachers' Standards). The panel had particular regard to the Police Crime report dated 2 March 2023 (pages 114 to 120 in the bundle), which included Child A's account of events and Mr Barr's admission. The Crime report also includes details of [REDACTED] confirmation of the incident that took place on 21 February 2022. Although [REDACTED] did not provide witness evidence, her confirmation contained within the Crime report is corroborated by Child A's account (who also has not given evidence) and Mr Barr. The panel have attached weight to the contents of the Crime report in their considerations. The panel have also attached weight to the Community Resolution Form dated 4 March 2023 (pages 121 to 125) which sets out the details of the incident in question and which Mr Barr has signed, indicating his admission of the

allegations against him. In light of Mr Barr's evidence and the Agreed Statement of Facts, the panel have found this allegation proven.

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

Having found 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 was satisfied that the conduct of Mr Barr, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Barr 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
  - 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, and maintain high standards in their own attendance and punctuality.
- 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 Barr, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education 2021 ("KCSIE"). The provisions which the panel has had particular regard to are:

### *"Part Four, Section One*

*338. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:*



- *behaved in a way that has harmed a child, or may have harmed a child and/or;*
- *possibly committed a criminal offence against or related to a child and/or;*
- *behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or*
- *behaved or may have behaved in a way that indicates they may not be suitable to work with children.*

[...]

*339. The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.”*

The panel found that Mr Barr’s conduct was in breach of the last bullet point outlined above and that provision 339 is applicable. As such, the panel consider that Mr Barr’s conduct created a transferable risk, which gave the panel significant concern.

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

The panel also considered whether Mr Barr’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 violence was relevant.

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.

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

The panel went on to consider whether Mr Barr was guilty of bringing 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 Barr'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 violence was relevant.

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 panel considered that Mr Barr's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of the allegations proved, the panel further found that Mr Barr'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 Barr 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: the safeguarding and wellbeing of pupils and the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest.

The panel's findings against Mr Barr concerned allegations that he had on or around 19 February 2022 wrestled Child A to the floor and/or pushed him [REDACTED], and on or around 22 February 2022 he pushed Child A in the chest area, threw or pushed Child A

to the floor, and placed his hands around Child A's neck. In light of these findings, there was a strong public interest consideration in the following ways:

- i) There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public. This consideration arose from Mr Barr's evidence during the hearing that he lost his temper and reacted to Child A in a violent manner. The panel noted that this resulted in Child A having marks on their person, which led the Police to issuing a Community Resolution Order against Mr Barr.
- ii) Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Barr was not treated with the utmost seriousness when regulating the conduct of the profession.
- iii) 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 Barr was outside that which could reasonably be tolerated.
- iv) The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and/or he is able to make a valuable contribution to the profession.
- v) Whilst there is evidence that Mr Barr had ability as an educator, the panel considered that the adverse public interest considerations above outweigh the interest in retaining Mr Barr in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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:

- i) serious departure from the personal and professional conduct elements of the Teachers' Standards;
- ii) misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- iii) 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).

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and any other mitigating circumstances.

In the light of the panel's findings, it is the panel's view that:

- i) Mr Barr's actions were deliberate
- ii) Mr Barr was not acting under duress
- iii) Mr Barr had a previously good record.

There was evidence that Mr Barr's actions were deliberate. The panel heard Mr Barr explain in evidence that his actions arose as result of several incidents which caused him to deliberately act in a violent manner, albeit a manner in which he subsequently regretted and recognised was wrong.

There was no evidence to suggest that Mr Barr was acting under extreme duress, e.g., a physical threat or significant intimidation. The panel was persuaded by Mr Barr's oral evidence, namely that he was under significant stress in his personal life, but the panel considers that this does not amount to duress.

The panel has considered the evidence presented to it, which demonstrates that Mr Barr did have a previously good history, having demonstrated exceptionally high standards in his professional conduct and having contributed significantly to the education sector. In particular, the panel has considered the evidence of the [REDACTED] and Mr Barr himself. The panel has considered the significantly improved standards that Mr Barr has been instrumental in helping the School achieve within his subject area (having improved its statistics of pupils who were expected to 'achieve standard' in Maths from 67% to 85%). The panel has also considered whether the evidence constitutes 'exceptional' rather than simply 'high' standards. The panel concluded that it does. [REDACTED] described Mr Barr as a strong teacher and, save for the allegations, described Mr Barr's teaching ability in a complimentary and positive way. The panel also accepted that the incident was out of character. In particular, the panel noted the evidence of the head teacher of the School, who explained the positive impact that Mr Barr had had on pupils' education and enjoyment of his subject, Mathematics. The panel also noted that Mr Barr explained his enjoyment at teaching the subject to pupils and his passion for increasing pupils' engagement and learning. The panel should, however, be clear that it received no character references for Mr Barr.

Additionally, Mr Barr demonstrated significant remorse for his actions, which the panel accepted. Mr Barr explained some steps he had taken to ensure that his behaviour was not repeated in the future. He explained that since the incidents in question, [REDACTED].

### **Proportionality**

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 Barr 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 Barr. The nature of Mr Barr's conduct, namely violence against a child, and the guidance and professional standards which underpin the teaching profession 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 a longer period before a review is considered appropriate. One of these cases includes violence. The panel found that Mr Barr was responsible for violent conduct which, despite seeming to have taken place on two occasions across a relatively isolated period of time, gave the panel concern.

The panel has considered the possible risk of repetition but, based on the evidence provided, the panel notes that Mr Barr does not appear to have been in a similar situation to the one which concerns this panel. As such, the panel was not able to consider this much further. However, the panel does accept Mr Barr's evidence that one of the reasons that he acted in the way he did was because of stresses in his personal circumstances.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the

circumstances, for the prohibition order to be recommended with provisions for a review period not less than two years from the date of the prohibition order.

## **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 conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Emerson Barr should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Emerson Barr 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, and maintain high standards in their own attendance and punctuality.
- 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 Barr, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education 2021 ("KCSIE").

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 Barr, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public. This consideration arose from Mr Barr's evidence during the hearing that he lost his temper and reacted to Child A in a violent manner. The panel noted that this resulted in Child A having marks on their person, which led the Police to issuing a Community Resolution Order against Mr Barr." 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, "Mr Barr demonstrated significant remorse for his actions, which the panel accepted. Mr Barr explained some steps he had taken to ensure that his behaviour was not repeated in the future". I have therefore given this element weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Barr was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of violence against 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 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 Barr himself and the panel comment "The panel has considered the evidence presented to it, which demonstrates that Mr Barr did have a previously good history, having demonstrated exceptionally high standards in his professional conduct and having contributed significantly to the education sector. In particular, the panel has considered the evidence of the

[REDACTED] and Mr Barr himself. The panel has considered the significantly improved standards that Mr Barr has been instrumental in helping the School achieve within his subject area (having improved its statistics of pupils who were expected to 'achieve standard' in Maths from 67% to 85%). The panel has also considered whether the evidence constitutes 'exceptional' rather than simply 'high' standards. The panel concluded that it does."

A prohibition order would prevent Mr Barr 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 following comment from the panel, "There was evidence that Mr Barr's actions were deliberate. The panel heard Mr Barr explain in evidence that his actions arose as result of several incidents which caused him to deliberately act in a violent manner, albeit a manner in which he subsequently regretted and recognised was wrong."

I have also placed considerable weight on the finding of the panel that "Whilst there is evidence that Mr Barr had ability as an educator, the panel considered that the adverse public interest considerations above outweigh the interest in retaining Mr Barr in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher."

In this case the panel considered 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.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Barr 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, involving violence against a child, 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 a 2 year review period.

I have considered the panel's comments "The panel has considered the possible risk of repetition but, based on the evidence provided, the panel notes that Mr Barr does not appear to have been in a similar situation to the one which concerns this panel. As such, the panel was not able to consider this much further. However, the panel does accept Mr Barr's evidence that one of the reasons that he acted in the way he did was because of stresses in his personal circumstances."



I have decided that a 2 year review period is proportionate and in the public interest in this case.

**This means that Mr Emerson Barr is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 18 July 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Barr remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Emerson Barr 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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 13 July 2023**

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