



Teaching
Regulation
Agency

Ms Amy Harrison: Professional conduct panel outcome

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

February 2024

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

Teacher:	Ms Amy Harrison
Teacher ref number:	0244053
Teacher date of birth:	25 February 1982
TRA reference:	21468
Date of determination:	5 March 2024
Former employer:	St John's School, Essex

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 4 to 5 March 2024 by way of a virtual hearing, to consider the case of Ms Amy Harrison.

The panel members were Mr Carl Lygo (lay panellist – in the chair), Mrs Helen Kielty (lay panellist) and Mrs Bev Williams (teacher panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Kathryn Hughes of QEB Hollis Whiteman, instructed by Kingsley Napley LLP solicitors.

Ms Harrison was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 22 December 2023.

It was alleged that Ms Harrison was guilty of unacceptable professional conduct <and/or> conduct that may bring the profession into disrepute, in that whilst working as a teacher at St John's School ('the School'):

1. On one or more occasions in or around May 2021, she:
 - a) Consumed alcohol on the School premises and/or;
 - b) Smelled of alcohol and/or were under the influence of alcohol whilst working
2. On or around 2 March 2022, she drove with [REDACTED] in a vehicle while over the legal driving limit for alcohol.

The panel noted that Ms Harrison denied allegations 1(a), 1(b) and 2, as set out in the response to the notice of hearing, sent as an email by Ms Harrison on the 17 January 2024.

Preliminary applications

Application to proceed in the absence of the teacher

Ms Harrison was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Harrison.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Ms Harrison in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel concluded that Ms Harrison's absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Ms Harrison confirmed that, in an email dated 17 January 2024, Ms Harrison stated that she did not intend to be present at the hearing and did not intend to be represented. The panel further noted that Ms Harrison had not sought an adjournment

to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing.

The panel noted Ms Harrison's submission that she [REDACTED], hence her decision not to attend the hearing, however the panel noted that there was no conclusive medical evidence before the panel that Ms Harrison was unfit to attend the hearing at this time.

The panel further noted Ms Harrison's submission that, in light of her ongoing relationship with the School, and given that she was contesting the allegations which would result in an element of confrontation, she would prefer her submissions to be in written form rather than face to face. The panel considered that, given the ongoing relationship, it was unlikely that adjourning the hearing would procure Ms Harrison's attendance in the near future.

The panel considered the submissions and decided that it was in the public interest for the hearing to take place. It also considered the impact on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Harrison was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 5 and 6
- Section 2: Notice of proceedings and response – pages 7 to 21
- Section 3: TRA witness statements – pages 22 to 29
- Section 4: TRA documents – pages 30 to 186
- Section 5: Teacher documents – pages 187 to 197.

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

Witnesses

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

- Witness A, [REDACTED]

- Witness B, [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.

On 1 September 2008, Ms Harrison was employed by the School as a full time Junior School class teacher. Thereafter, Ms Harrison held the role of Personal, Social, Health and Economic ('PSHE'), Citizenship and Religious Studies teacher in the Senior School.

In May 2021, it was reported to Witness A, [REDACTED], that staff considered that Ms Harrison had been drinking alcohol.

On 2 March 2022, it is alleged that Ms Harrison had been arrested for drink driving [REDACTED] following a car accident.

On 31 March 2022, Ms Harrison resigned.

On 9 December 2022, following discussions with the LADO, the School was advised to make a referral to the TRA.

The matter was referred to the TRA on 27 January 2023.

Findings of fact

The findings of fact are as follows:

1. On one or more occasions in or around May 2021, you:

- a) Consumed alcohol on the School premises and/or;**
- b) Smelled of alcohol and/or were under the influence of alcohol whilst working**

The panel considered the oral evidence and written statement of Witness A.

Witness A submitted that, on 28 May 2021, she was informed by [REDACTED], that a member of staff had reported to him that another member of staff was concerned about Ms Harrison, and that they thought Ms Harrison had been drinking.

Witness A stated that, on the same date, she and [REDACTED] spoke informally to Ms Harrison. Witness A submitted that Ms Harrison was slurring her words, that her eyes "*looked as if she had been drinking*" and that she could smell alcohol on Ms Harrison. Witness A reported that she enquired as to Ms Harrison's wellbeing, and that Ms

Harrison initially said she was *“fine”*, although later became tearful and expressed a wish to talk to Witness B, a [REDACTED].

It was Witness A’s evidence that, on the same day, she and [REDACTED] spoke to Witness B regarding Ms Harrison. Witness A reported that Witness B informed her that she had been worried about Ms Harrison *“for a while”*, and that, on the morning the discussion took place, Witness B had noticed that Ms Harrison had let her class out early and saw Ms Harrison *“slumped forward”* at her desk. Witness A’s evidence was that Witness B further informed her that she had seen pupils in Ms Harrison’s class watching films on several occasions. Witness A further recalled that she was informed by Witness B that Witness B thought that, on one occasion, she had seen *“wine marks”* around Ms Harrison’s mouth.

Witness A stated that they had previously had no indication that Ms Harrison had been drinking on site. It was Witness A evidence that Ms Harrison used a shared classroom, so it was unlikely that she would have had alcohol in this space, particularly as many teachers would have been sharing the same desk and cupboards. Witness A further stated that they did not search the classroom at this stage as it was not deemed to be necessary; her aim was to provide support to Ms Harrison who she understood was [REDACTED].

Witness A evidence was that, on 28 May 2021, she sent an email to [REDACTED] which provided a summary of the day. The panel was provided with a copy of this email and noted that it stated that Witness A thought Ms Harrison’s eyes *“looked as if she had been drinking”* and that Witness A was *“fairly sure [she] could smell it on her”*. Witness A submitted that, on 8 June 2021, she contacted Ms Harrison following the half-term holiday. Witness A’s evidence was that Ms Harrison confirmed she was *“feeling better”*, and that she *“confirmed that she had not touched anything since Thursday”*. It was Witness A’s evidence that Ms Harrison had not used the word *“alcohol”*, but that this was implied.

The panel was provided with a copy of a handwritten note dated 8 June 2021, which it understood to have been prepared by Witness A. The note stated that, on this date, Ms Harrison was *“feeling better”*, and contained what appeared to be a quote from Ms Harrison saying *“I’m not proud of my behaviour and haven’t touched anything since... I haven’t touched anything since Thursday”*. In her oral evidence, Witness A stated that she understood these comments to mean that Ms Harrison had been drinking on the Friday in question but had not had anything to drink since. However, the panel noted that the document clearly referred to the Thursday, the day before the alleged incident.

Witness A stated that the School put in place support for Ms Harrison, including arranging for Witness B to support Ms Harrison, and engaging in regular *“check ups”* to make sure Ms Harrison was *“okay”*. Witness A stated that she saw no further evidence of Ms Harrison being under the influence of alcohol at the School after this date.

The panel considered the oral evidence and written statement of Witness B, who stated that, prior to May 2021, there were a few weeks where she had concerns about Ms Harrison. Witness B recalled that Ms Harrison's eyes were "*blood shot*" and considered that Ms Harrison was behaving differently to usual. Witness B recalled that she was worried that "*something serious was going on*".

Witness B submitted that, during this time, and just after the Easter holidays in 2021, she noticed what she considered to be a "*red wine stain*" on Ms Harrison's lip. Witness B considered that, if Ms Harrison had not been drinking at School, she had been drinking very close to the start of the day. In her oral evidence, Witness B stated that she had seen the alleged red wine stains on a number of occasions but could not recall when this occurred.

Witness B evidence was that, on one occasion, she was approached by pupils who were concerned about Ms Harrison. Witness B recalled that the pupils informed her that Ms Harrison had "*put a film on for them*", and then went to lie on the desk. Witness B confirmed that she did not see Ms Harrison herself. The panel noted that this was inconsistent with the evidence of Witness A, who stated that Witness B had informed her that she had witnessed Ms Harrison "*slumped*" on the desk.

Witness B stated that, on the same day, she approached [REDACTED] to discuss her concerns. Witness B then recalled that she, [REDACTED] and Witness A spoke with Ms Harrison. Witness B written evidence was that, on that date, Ms Harrison was under the influence of alcohol. Witness B stated that Ms Harrison "*could not string a sentence together*", "*did not seem rational*" and was "*very emotional*". In her oral evidence, Witness B confirmed that she had assumed the issues related to either alcohol or medication, as Ms Harrison's speech was slurred, she was "*bleary eyed*" and her face was red a lot of the time, however, could not confirm what the symptoms resulted from. Witness B stated that she could not be sure what the symptoms were as a result of and did not want to make an incorrect assumption. Witness B further admitted that she did not have any evidence that the symptoms resulted from alcohol and made reference to medication as she was aware [REDACTED], although she could not confirm whether Ms Harrison was taking medication. Witness B also confirmed that she did not smell alcohol on Ms Harrison at any stage.

The panel considered the written statement of Ms Harrison. In respect of allegation 1, Ms Harrison denied the allegation and submitted that there was no evidence in the written statements of either Witness A or Witness B that they or anyone else observed her consuming alcohol or found containers of alcohol in her possession. Ms Harrison's evidence was that Witness A's statement confirmed no bottles were found, and that the evidence was based on assumptions that were not "*backed up*" with facts. In respect of Witness B, Ms Harrison submitted that, despite Witness B stating she had decided to "*monitor*" Ms Harrison's behaviour, she could not produce evidence that alcohol had been consumed on School premises.

In respect of allegation 1(b), Ms Harrison submitted that the evidence was based on an interpretation of events, and not facts. In respect of the note prepared following a conversation on 8 June 2021, Ms Harrison stated that she had not been provided with a copy of this note until it was included in the bundle prepared for this hearing. Ms Harrison stated that she could recall being contacted and having a telephone conversation but could not be specific about the content of this telephone call due to the fact that nearly three years had elapsed since the telephone call took place.

Ms Harrison contended that, as the School did not implement any formal procedures in respect of the events of May 2021, it must have considered the events “*not worthy of such attention*”. Ms Harrison further contended that the issue had only been raised because of the later event in March 2022, but that the events in May 2021 and March 2022 were “*standalone events*” and not linked.

Ms Harrison, in a later written submission, stated that the points raised by Witness A in respect of the May 2021 events were presumptions, with no facts being presented to justify the presumptions.

Ms Harrison explained that she is an emotional person and a lot of her interactions with friends and colleagues will often involve hugs. She stated that in her classroom environment when pupils are engaged in their written work there is less interaction between the pupils and the teacher, and that throughout her teaching career she has sat at her desk supporting the side of her head or chin with her hands and contends that this is what Witness B observed. The panel noted that, in that regard, Witness B confirmed that she did not witness the alleged event.

In respect of allegation 1(a), the panel noted the evidence of Witness A in which she stated that Ms Harrison used a shared classroom, so it was unlikely that she would have had alcohol in this space, particularly as many teachers would have been sharing the same desk and cupboards. The panel further noted that Ms Harrison’s classroom was not searched, and therefore no alcohol was found. The panel therefore considered that there was insufficient evidence to prove that, on the balance of probabilities, Ms Harrison had consumed alcohol on the School premises and found allegation 1(a) not proven.

In respect of allegation 1(b), the presenting officer submitted that there was clear evidence that Ms Harrison smelled of alcohol and/or was under the influence of alcohol while working at the School. However, the panel considered the evidence presented to it and noted, in particular, that there were inconsistencies between the evidence of Witness A and Witness B regarding the events on 28 May 2021. Specifically, the panel noted that there was an inconsistency in respect of the evidence surrounding Ms Harrison allegedly being found “*slumped*” at her desk; Witness B’s evidence, which was first hand, was that she did not witness this. The panel also noted that Witness B had spent time with Ms Harrison on 28 May 2021 and had confirmed that she did not smell alcohol on Witness B at any stage. Further, the panel noted that, while Witness B submitted that she had

concerns about Ms Harrison, and in particular stated that she had noticed “*red wine stains*” on Ms Harrison’s lips on multiple occasions, she could not recall when she had noticed this, and it appeared that this had not been reported to the School at any time prior to 28 May 2021.

The panel further noted that Witness B could not confirm whether the alleged symptoms, such as slurring of words and “*bleary eyes*”, were the result of alcohol or medication.

The panel therefore considered that there was insufficient evidence in support of allegation 1(b) and found allegation 1(b) not proven.

The panel found allegation 1 not proven.

2. On or around 2 March 2022, you drove with [REDACTED] in a vehicle while over the legal driving limit for alcohol.

The panel further considered the evidence of Witness A, who stated that on the 2 March 2022, Witness B had approached her and told her to check in with Ms Harrison, as Witness B was concerned that Ms Harrison had been drinking.

Witness A stated that, at around 2:10pm on the same day, she spoke with Mrs Harrison, and told her that certain staff members were concerned about her. Witness A explained that she felt this was a calm conversation; there was no slurring of words or smell of alcohol. She stated that she asked Mrs Harrison if she was okay, to which Mrs Harrison responded that she was. Witness A submitted that she made the decision that Ms Harrison could continue to stay at School, and that another member of staff, [REDACTED], had also mentioned to Witness A that she had seen Ms Harrison and had no concerns.

Witness A explained that, on 3 March 2022, Ms Harrison did not arrive for lessons and so Witness A called Ms Harrison’s mobile and left a message. She stated that she was informed by a member of staff, [REDACTED], that she had seen Ms Harrison’s car on a roundabout with the windscreen smashed and airbags out. [REDACTED] also informed Witness A that she saw Ms Harrison in a police car.

Witness A stated that, on the same day, she contacted Ms Harrison’s [REDACTED], who informed her that Ms Harrison had been in a car accident, that she was not injured but that she had no further information.

Witness A explained that, also on 3 March 2022, [REDACTED] spoke to Ms Harrison’s [REDACTED] who confirmed that Ms Harrison had been in a car accident and that one of Ms Harrison’s [REDACTED] had been in the car. It was also stated that the police would be coming to the School to interview Ms Harrison’s [REDACTED].

Witness A submitted that on 3 March 2022, she was contacted by the LADO who confirmed that Ms Harrison had been in a car accident at 4:30pm on 2 March 2022 and had been arrested for drink driving and [REDACTED]. Witness A stated that the LADO informed her that Ms Harrison had been over the legal limit with both alcohol and cocaine.

Witness A submitted that, on 9 March 2022, she attended a meeting with Ms Harrison, [REDACTED] and [REDACTED]. Witness A evidence was that, on this date, Ms Harrison confirmed that she had not been drinking on the day of the accident, and that the alcohol had been from the night before.

The panel was provided with a copy of the minutes of the meeting on 9 March 2022. The panel noted that, in the meeting, Ms Harrison confirmed that she had been involved in a head on collision but stated that she had alcohol in her system from the night before and as [REDACTED] had been sitting in the front seat of the vehicle, she had been charged with [REDACTED]. In response to a question by Witness A as to whether the police were “*looking into the drinking*”, Ms Harrison stated yes, and that she would lose her licence.

It was Witness A’s evidence that, on 16 March 2022, she attended a further meeting with Ms Harrison, [REDACTED] and [REDACTED]. Witness A stated that she informed Ms Harrison that they had spoken with the LADO, who informed them that they had found high quantities of alcohol and drugs in her system. Witness A explained that Ms Harrison stated that she had not been drinking on that day but had been drinking the night before. Witness A stated that Ms Harrison was adamant that she had not used cocaine.

The panel was provided with a copy of the minutes from the meeting on 16 March 2022. The panel noted that, during this meeting, Ms Harrison confirmed that she had been drinking the night before the accident but had not taken cocaine.

Witness A stated that, on 6 September 2022, the LADO sent an email to [REDACTED] providing an update from the police. The panel was provided with a copy of this email which stated as follows:

“The blood results for Harrison came back as being over the legal limit, and the view from the police was to authorise charges for both drink driving [REDACTED]. However, on review of the paperwork some of the admin had not been completed in the correct order, and it was deemed that this could, if argued by defence be deemed inadmissible as evidence in court. Therefore, the decision to take NFA had to be made, by the reviewing sg”.

The panel understood ‘NFA’ to mean ‘no further action’.

The panel had sight of a ‘Record of Interview’ dated 3 March 2022 which was conducted at [REDACTED] with Ms Harrison’s solicitor present. The record of interview stated that, after the accident, Ms Harrison informed the police that she had consumed three glasses

of wine around three hours prior to the accident. The interview confirmed that a roadside breath test was completed, along with a roadside drugs test, which Ms Harrison failed. Ms Harrison was then arrested. During the interview, Ms Harrison stated that she had been out to lunch with a friend and had consumed wine prior to the accident, between the hours of 12pm and 2pm. The panel noted that the accident took place around 4.30pm and that the evidence of Ms Harrison during the interview, namely that she had been to lunch and consumed alcohol, was inconsistent with the statements made by Ms Harrison during her meetings with the School, namely that she had been drinking the night before the accident.

The panel also viewed and considered the video footage of the roadside breath test, which the panel understood to be recorded immediately after the accident. The panel considered that Ms Harrison's demeanour was consistent with an individual who was under the influence of alcohol.

The panel was also provided with a copy of a document titled 'Forensic Result Report – Toxicology' dated 20 May 2022 which stated that Ms Harrison's blood specimen result was above the prescribed blood-alcohol limit, although none of the drugs covered under Section 5A RTA 1988 (which included cocaine) were detected. However, the panel noted that, in an update from the police, it was confirmed that the correct processes in obtaining the breath and blood sample were not followed, meaning that the evidence would be inadmissible. The presenting officer could not confirm what the procedural errors were, and therefore the panel attached limited weight to this evidence.

The panel further considered the witness statements of [REDACTED] and [REDACTED], which set out the events at the roadside on the afternoon of 2 March 2022. The panel noted that these statements reported substantial damage to Ms Harrison's vehicle. In addition, the panel noted the statement of [REDACTED], who stated that she was "*met by an extremely strong smell of intoxicating liquor*", that Ms Harrison's eyes were red and glazed, and that she was slurring her words.

The panel was mindful that none of these individuals were called to give evidence. However, the panel noted that the statements were consistent with the video footage of the roadside test and attached appropriate weight to this evidence.

The panel was also provided with a copy of the School's Personnel Policy, in which it was stated that "*consumption of alcohol or illegal drugs is not permitted on site nor must employees be under their influence because of the adverse effects they can have on efficiency and conduct*". The panel noted that, during her interview with the police and meetings with the School, Ms Harrison admitted that she had consumed alcohol. Further evidence, including the oral evidence of Witness A, indicated that Ms Harrison returned to the School after consuming alcohol.

The panel considered the written submissions of Ms Harrison, who denied allegation 2. Ms Harrison referred to an email dated 28 July 2022 which she stated confirmed “*you have not been found guilty of anything*”. Ms Harrison further stated that she was “*mindful that an admission on my part may be construed as further evidence...*”.

The panel was provided with a copy of the email dated 28 July 2022 which stated as follows:

“...I can confirm that in relation to your arrest on the 2nd March 2022, on suspicion of ‘Drink Drive’ and ‘[REDACTED]’, due to significant procedural errors with the evidential drink drive ‘station procedure’, there will be no prosecution for ‘drink drive’. As that offence cannot be made out, this will also negate the other offence [REDACTED].”

The panel noted that Ms Harrison did not deny that she had alcohol in her system while driving during her interviews with the police and the School.

The presenting officer submitted that, notwithstanding the procedural issues in respect of the forensic tests, there was clear evidence that, on the balance of probabilities, Ms Harrison drove with [REDACTED] in a vehicle while over the legal driving limit for alcohol. The presenting officer referred in particular to the admissions made by Ms Harrison during the police interview, in which it was submitted that Ms Harrison confirmed that she had consumed a large quantity of wine prior to the accident.

The panel considered the evidence presented to it, and in particular the statement made by Ms Harrison during the police interview that she had gone to the pub between 12pm and 2pm and consumed three glasses of wine, only shortly before the car accident. The panel noted that Ms Harrison admitted that [REDACTED] was in the vehicle at the time of the accident, both during her meetings with the School and the police interview.

The panel accepted the legal advice provided to it that the panel’s role was to consider whether, on the balance of probabilities, the allegation was proven. Although the panel noted that the police chose not to pursue criminal proceedings, the panel was mindful that criminal proceedings are subject to a higher standard of proof, namely that the allegation is proven beyond a reasonable doubt.

The panel therefore considered the evidence on the balance of probabilities and concluded that, particularly given the video footage presented and Ms Harrison’s own admissions during the police interview, along with the evidence that Ms Harrison’s [REDACTED] was in the vehicle, it was more likely than not that she was driving with [REDACTED] in a vehicle while over the legal driving limit for alcohol.

The panel therefore found allegation 2 proven.

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

Having found one of the allegations proved, the panel went on to consider whether the facts of the proved allegation 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 Ms Harrison, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Harrison 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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 Ms Harrison amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel found that the following offences were relevant; serious driving offences, particularly those involving alcohol or drugs; serious offences involving alcohol; and [REDACTED]. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that the allegation 2 took place outside the education setting, as Ms Harrison was not within School premises at the time the conduct took place. However, the panel considered that this conduct related to Ms Harrison’s profession as a teacher in that she drove with [REDACTED], in a car whilst under the influence of alcohol. The panel also noted that the accident to which allegation 2 relates took place immediately upon Ms Harrison’s return from the School and was witnessed by other staff members at the School.

Accordingly, the panel was satisfied that Ms Harrison was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others 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.

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, potentially damaging the public perception.

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

Having found the facts of allegation 2 proved, the panel further found that Ms Harrison'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 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.

The panel was aware that 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, if they are in conflict.

In the light of the panel's findings against Ms Harrison, which involved driving with [REDACTED] in her vehicle whilst over the legal driving limit for alcohol, there was a

strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Harrison. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Harrison. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

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

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.

No evidence was submitted to attest to Ms Harrison's history or ability as a teacher, nor was any evidence submitted to indicate that Ms Harrison demonstrated exceptionally high standards in both personal and professional conduct or that she contributed significantly to the education sector. However, the panel did note that, as confirmed by Witness A, prior to the events in 2021, there had been no concerns raised in respect of Ms Harrison's conduct or Ms Harrison's ability as a teacher. Ms Harrison appeared to have a long-standing record without any disciplinary issues having been raised.

There was no evidence that Ms Harrison's actions were not deliberate.

Whilst the panel heard evidence that Ms Harrison was struggling with some challenging personal circumstances at the relevant time, there was no evidence to suggest that Ms Harrison was acting under duress.

The panel noted that Ms Harrison had shown limited evidence of insight and remorse into her actions.

The panel considered the written submissions of Ms Harrison, who stated that the events of the 2 March 2022, and in particular her bail conditions concerning [REDACTED], made it untenable for her to remain in employment. Ms Harrison stated that, whilst her bail conditions were lifted at the end of March and whilst she considered the procedures to be flawed, she still had a further four months of uncertainty to endure. Ms Harrison submitted that, during that period, she was determined that the distress she and her family experienced would never be repeated.

Ms Harrison stated that, to ensure this outcome, she has attended internet group therapy meetings on a regular basis to explore if she could move from social drinking to complete alcohol abstinence. Ms Harrison submitted that she considers this to have been a success, in that not only has she abstained from any alcohol consumption since the middle of 2022, she can be comfortable in a social environment amongst her friends who drink alcohol.

Ms Harrison stated that she still interacts on a less frequent basis with internet forums to ensure abstinence.

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 Ms Harrison 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 Ms Harrison. That the allegation related to driving while under the influence of alcohol with [REDACTED] 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 behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes [REDACTED]. The panel found that Ms Harrison was responsible for driving to and from the School premises [REDACTED] whilst over the legal driving limit for alcohol, [REDACTED], resulting in an accident. The panel considered that Ms Harrison's conduct put [REDACTED], at serious risk. Ms Harrison's actions raised serious [REDACTED] concerns.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that none of these behaviours were relevant.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Ms Harrison 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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 finds that the conduct of Ms Harrison fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of driving [REDACTED] in a vehicle while over the legal driving limit for alcohol.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Harrison, 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 that in this case there is, "...a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows, "The panel noted that Ms Harrison had shown limited evidence of insight and remorse into her actions."

However, I have also noted that the panel records that Ms Harrison has sought support to help her tackle her issues with alcohol and that this appears to have resulted in a period of abstinence. The panel also notes evidence that Ms Harrison was struggling with some challenging personal circumstances at the relevant time. In my judgment this provides at least some evidence that there may be a reduced risk of a repetition of this behaviour in the future. I have therefore given this element some 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 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, potentially damaging the public perception. I am particularly mindful of the finding of driving while under the influence of alcohol [REDACTED] in this case and the negative impact that such a finding could have 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 and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Harrison herself. The panel comment "No evidence was submitted to attest to Ms Harrison's history or ability as a teacher, nor was any evidence submitted to indicate that Ms Harrison demonstrated exceptionally high standards in both personal and professional conduct or that she contributed significantly to the education sector. However, the panel did note that, as confirmed by Witness A, prior to the events in 2021, there had been no concerns raised in respect of Ms Harrison's conduct or Ms Harrison's ability as a teacher. Ms Harrison appeared to have a long-standing record without any disciplinary issues having been raised."

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

In this case, I have placed weight on the serious nature of the panel's findings and its comments as to the lack of evidence of insight and remorse on Ms Harrison's behalf.

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

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

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

In doing so the panel has referred to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes [REDACTED].

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

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. Having given careful consideration to the panel's recommendation and reasons I have come to the conclusion that it has placed insufficient weight on Ms Harrison's efforts to tackle her issues with alcohol in its assessment of the degree of insight she has attained. I have also concluded that the panel has placed insufficient weight on the mitigating circumstances in this case, especially in the context of Ms Harrison's previous good disciplinary record.

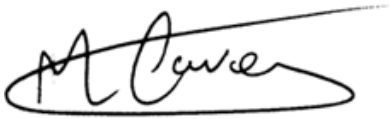
In my judgement, factors mean that not allowing a review period would not be proportionate response to Ms Harrison's misconduct serious though it is. These elements are Ms Harrison's previous good disciplinary record, the personal circumstances that Ms Harrison was experiencing at the time of these events, and the efforts she has made to address her issues with alcohol. It is my view that if Ms Harrison successfully continues those efforts and is able to develop full insight into and remorse for her actions, she should have the opportunity to seek to return to teaching.

I consider therefore that a four-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Amy Harrison is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 12 March 2028, four years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Harrison remains prohibited from teaching indefinitely.

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

Ms Amy Harrison has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 6 March 2024

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