



Teaching
Regulation
Agency

Mr Neil Moss: Professional conduct panel hearing outcome

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

April 2024

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

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| Teacher: | Mr Neil Moss |
| Teacher ref number: | 1556129 |
| Teacher date of birth: | 25 June 1981 |
| TRA reference: | 19335 |
| Date of determination: | 29 April 2024 |
| Former employer: | Topcliffe Academy, Birmingham |

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually by MS Teams on 29 April 2024 to consider the case of Mr Neil Moss.

The panel members were Mr Alan Wells (former panellist – in the chair), Mrs Melissa West (teacher panellist) and Ms Jan Stoddard (lay panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Aleksandra Manning-Rees of Kingsley Napley solicitors.

Mr Moss was not present and was not represented.

The Virtual hearing took place in public and was recorded.

Allegations

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

It was alleged that Mr Moss was guilty of having been convicted of a relevant offence, in that:

1. On or around 23 February 2021, he was convicted of:
 - a. distributing an indecent photograph or pseudo photograph of a child;
 - b. making an indecent photograph or pseudo photograph of a child;
 - c. making an indecent photograph or pseudo photograph of a child;
 - d. making an indecent photograph or pseudo photograph of a child;
 - e. distributing an indecent photograph or pseudo photograph of a child;
 - f. distributing an indecent photograph or pseudo photograph of a child;
 - g. attempting to engage in sexual communication with a child.

Mr Moss admitted the facts of the allegations and that those facts amount to conviction of a relevant offence.

Preliminary applications

The panel considered whether this hearing should continue in the absence of the teacher, following an application by the presenting officer.

The panel was satisfied that TRA has complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient

disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

The panel was satisfied that Mr Moss is aware of the proceedings because he has confirmed by email dated 19 February 2024 that he has received a paper copy of the notice of hearing. He later provided his response to the notice of hearing on 27 February 2024 in which he clearly indicated that he did not wish to attend this hearing or to be represented at this hearing. He has engaged in communications with the presenting officer confirming that he did not intend to attend the hearing.

The panel found nothing to suggest that an adjournment of any length would result in Mr Moss attending voluntarily. Mr Moss has confirmed he has not instructed a legal representative on his behalf; and there are no witnesses being called to give evidence.

The panel has the benefit of Mr Moss responses to the notice of hearing and his communications with the presenting officer which set out his position, particularly noting his admissions. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel has recognised that the allegations against Mr Moss are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that he ought to be prohibited from being a teacher.

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at the School. The School will have an interest in this hearing taking place in order to move forwards.

The panel notes that there are no witnesses to be called, and therefore the effect of delay on the memories of witnesses is not a factor to be taken into consideration in this case.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; that on

balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

The panel also considered an application from Mr Moss for the hearing to be conducted in private. Whilst it was not clear from the bundle whether Mr Moss wished to continue with this application, in his absence the panel was of the view that the application should be duly considered.

The panel determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second and/or third bullet point of paragraph 5.85 of the Procedures that the public should be excluded from the hearing.

The panel has taken 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 has noted that there are concerns about the safety and wellbeing of the teacher's family if the matter was heard in public; however, no specific threat was raised. The panel has balanced the reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel notes 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 has therefore, considered whether there are any steps short of excluding the public that would serve the purpose of protecting the safety of the teacher's family and considers that to the extent it becomes necessary during the course of the hearing to discuss such matters, the panel can consider at that stage whether any other measures should be taken.

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 4

Section 2: Notice of proceedings and response – pages 5 to 11

Section 3: Teaching Regulation Agency documents – pages 12 to 121

Section 4: Teacher's documents – pages 122 to 135

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

The panel were also provided with a service bundle as part of the presenting officer's application.

Witnesses

No witnesses were called by either party.

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 Moss had been employed at Topcliffe Academy ("the School") since 1 September 2016 as a Resource Base Autism Teacher.

On 29 May 2020, following an intelligence report, Police arrested Mr Moss on suspicion of distributing indecent images of children. Mr Moss was suspended from the School on the same date.

On 25 June 2020, Mr Moss resigned from the School with immediate effect.

On 23 February 2021, Mr Moss was convicted at the Black Country Magistrates' Court of three counts of distributing an indecent photograph or pseudo photograph of a child, three counts of making an indecent photograph or pseudo photograph of a child, and one count of attempting to engage in sexual communication with a child. He was later sentenced at Wolverhampton Crown Court on 23 July 2021.

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:

- 1. On or around 23 February 2021, you were convicted of:**
 - a. distributing an indecent photograph or pseudo photograph of a child;**
 - b. making an indecent photograph or pseudo photograph of a child;**
 - c. making an indecent photograph or pseudo photograph of a child;**
 - d. making an indecent photograph or pseudo photograph of a child;**
 - e. distributing an indecent photograph or pseudo photograph of a child;**

f. distributing an indecent photograph or pseudo photograph of a child;

These allegations were admitted by Mr Moss in his response to the notice of hearing and supported by evidence presented to the panel, notably the certificate of conviction. The certificate of conviction confirmed the above six counts against Mr Moss. The panel accepted the certificate of conviction as conclusive proof of both the convictions and the facts necessarily implied by the convictions.

The panel had regard to the transcript of Mr Moss sentencing hearing and acknowledged that counts 1, 5 and 6 of the certificate related to distribution of category A, B and C images respectively; and counts 2, 3 and 4 related to possession of those three categories of images. The panel was unable to distinguish which allegation related to which charge but was nevertheless able to confirm all six allegations against the first six convictions in the certificate of conviction.

The transcript of the sentencing hearing confirmed that on examination of Mr Moss device 63 category A images were found, together with 222 category B images and 683 category C images; although it was acknowledged that a number of these were duplicates, the extent of which could not be determined by the panel. The sentencing remarks also confirmed that the charges related to the distribution of 18 category A images, 16 category B images and 25 category C images.

These allegations was therefore found proved.

g. attempting to engage in sexual communication with a child.

This allegation was admitted by Mr Moss in his response to the notice of hearing and supported by evidence presented to the panel, notably the certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

The panel saw excerpts of the communications on “Kik” to which this conviction related, as relayed in the Police report.

This allegation was therefore found proved.

Findings as to conviction of a relevant offence

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

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 Moss, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Moss 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;
 - 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;
- 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 noted that Mr Moss’ actions were relevant to teaching, working with children and/or working in an education setting because the offences involved inappropriate communications with children and serious safeguarding issues.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Moss behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if he was allowed to continue teaching.

The panel noted that Mr Moss behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered “a relevant offence”.

This was a case concerning offences of sexual communication with a child, and viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered “a relevant offence”.

The panel noted that the offences related to both the possession and distribution of a number of indecent images of children. A large number of images were found on Mr Moss devices, including a number in the most serious category A. The panel was of the view that, as described by the judge at the sentencing hearing, *“the nature of the images themselves... is of course distressing to contemplate”*.

No mitigation evidence was presented by Mr Moss. Whilst remarks made at his sentencing hearing suggest that Mr Moss may have experienced [REDACTED] during his life, there was no other evidence available for the panel to determine if this was a factor at the time of the offences. Two positive references were provided within the bundle; however, they did not demonstrate an exemplary record, particularly as they related to his NQT training year.

Therefore, whilst the panel found some evidence of Mr Moss teaching proficiency, the panel also found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Moss fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel’s recommendation to the Secretary of State

Given the panel’s findings in respect of a conviction of a relevant offence, 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 Moss 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; the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel’s findings against Mr Moss, which involved possessing and distributing indecent images of children and attempting to engage in sexual communication with a child, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

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

Whilst there was evidence that Mr Moss had developing abilities as an educator, demonstrated by the two references in the bundle from his NQT year, the panel did not consider this to be compelling evidence to demonstrate his abilities. The adverse public interest considerations above outweigh any interest in retaining Mr Moss 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. Mr Moss offending behaviour fell well below this standard.

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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- 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); and
- violation of the rights of pupils.

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 whether there were mitigating circumstances.

There was no evidence that Mr Moss actions were not deliberate. Whilst there was evidence to suggest that Mr Moss may have suffered with [REDACTED] during his lifetime, it was not clear whether this impacted on Mr Moss actions at the time of the offences. There was no other evidence to suggest that Mr Moss was acting under extreme duress.

The panel was not provided with any character statements in the bundle. However, the panel had sight of two references from Mr Moss NQT year, provided as part of his employment application from the [REDACTED] and [REDACTED] of that school. Both statements confirmed that he was continuing to develop his skills to address the challenges of being a class teacher, and referred to him being “pleasant” and “caring”. Whilst these statements suggested that Mr Moss did have a previously good history, the panel was cognisant that those references pre-dated the offending behaviour and no further evidence was available to assist the panel to establish Mr Moss past record or teaching history.

The panel was of the view that there was limited evidence within the bundle to address Mr Moss’ insight and remorse. The panel acknowledged that Mr Moss pleaded guilty in his criminal trial and had admitted his wrongdoing as part of these proceedings, which demonstrated a degree of accountability. Mr Moss had also apologised in his criminal trial to the School, and had spoken of the impact of his actions on his family. The panel also acknowledged that Mr Moss had engaged [REDACTED]. However, the panel was concerned that Mr Moss did not appear to address the impact on the innocent victims in his case or more broadly. Accordingly, the panel was not satisfied that Mr Moss demonstrated a high level of insight or remorse that would satisfy them that there was no risk of repetition.

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 Moss 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

Moss. The severity of the offences 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. Such conduct includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. Mr Moss was found guilty of three counts of possessing indecent images of children and three counts of distributing indecent images of children, in addition to an offence of attempting to engage in sexual communication with a child.

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. None of these were relevant.

As discussed above, the panel was unable to find any clear mitigating circumstances. The panel was of the view that Mr Moss demonstrated limited insight into his actions, particularly relating to the impact on victims; and although he had expressed some remorse to the School, this again was limited and particularly so relating to victims. The panel was, therefore, not satisfied that there was no risk of repetition. Given the seriousness of the offences and the clear safeguarding risks, the panel found no reason to depart from the indications within the Advice that offering no review period would be appropriate.

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 provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Moss 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;
 - 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;
- 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 Moss involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of a conviction for distributing and making indecent photographs or pseudo photographs of children and attempting to engage in sexual communication with a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to

consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Moss, 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, “In the light of the panel’s findings against Mr Moss, which involved possessing and distributing indecent images of children and attempting to engage in sexual communication with a child, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.” 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 has set out as follows, “The panel was of the view that there was limited evidence within the bundle to address Mr Moss, insight and remorse. The panel acknowledged that Mr Moss pleaded guilty in his criminal trial and had admitted his wrongdoing as part of these proceedings, which demonstrated a degree of accountability. Mr Moss had also apologised in his criminal trial to the School, and had spoken of the impact of his actions on his family. The panel also acknowledged that Mr Moss had engaged [REDACTED]. However, the panel was concerned that Mr Moss did not appear to address the impact on the innocent victims in his case or more broadly. Accordingly, the panel was not satisfied that Mr Moss demonstrated a high level of insight or remorse that would satisfy them that there was no risk of repetition.” In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Moss were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for distributing and making indecent photographs or pseudo photographs of children and attempting to engage in sexual communication with a child in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Moss himself. The panel has commented, "Whilst there was evidence that Mr Moss had developing abilities as an educator, demonstrated by the two references in the bundle from his NQT year, the panel did not consider this to be compelling evidence to demonstrate his abilities."

A prohibition order would prevent Mr Moss 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 panel's comments concerning the lack of insight or remorse. The panel has said, "Mr Moss demonstrated limited insight into his actions, particularly relating to the impact on victims; and although he had expressed some remorse to the School, this again was limited and particularly so relating to victims. The panel was, therefore, not satisfied that there was no risk of repetition."

I have also placed considerable weight on the finding of the panel that the severity of the offences for which Mr Moss was convicted meant that the public interest considerations outweighed the interests of Mr Moss.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Moss 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 insight and remorse, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments, "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. Such conduct includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. Mr Moss was found guilty of three counts of possessing indecent images of children and three counts of distributing indecent images of children, in addition to an offence of attempting to engage in sexual communication with a child."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements

are the serious nature of the offences for which Mr Moss was convicted and the lack of full insight and remorse.

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

This means that Mr Neil Moss 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 Moss 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 Neil Moss 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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 2 May 2024

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