



Teaching
Regulation
Agency

Mr Alan Harbottle: Professional conduct panel meeting outcome

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

March 2025

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

Teacher:	Mr Alan Harbottle
Teacher ref number:	9760765
Teacher date of birth:	8 June 1972
TRA reference:	22580
Date of determination:	6 March 2025
Former employer:	Mossfits Lane Primary School, Liverpool

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 March 2025 by way of a virtual meeting, to consider the case of Mr Alan Harbottle.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Ms Olivia Kong (lay panellist) and Mrs Julie Wells (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP Solicitors.

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

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 19 February 2025.

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

1. On or around 1 June 2023, he was convicted at Southend on Sea Magistrates' Court of:
 - a. Attempted to engage in sexual communication with a child contrary to the Sexual Offences Act 2023, s 15A(1), and
 - b. Attempting to meet a boy under 16 years of age following grooming contrary to the Sexual Offences Act 2003 s15.

Mr Harbottle admitted the alleged facts and that he had been convicted of relevant offences.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: List of key people – page 3

Section 2: Notice of referral, response and notice of meeting – pages 4 to 20

Section 3: Statement of agreed facts and presenting officer representations – pages 21 to 25

Section 4: Teaching Regulation Agency documents – 26 to 36

Section 5: Teacher documents – pages 37 to 38

In addition, the panel agreed to accept the following:

Notice of meeting dated 19 February 2025;

Letter dated 4 March 2025 informing Mr Harbottle that the professional conduct panel meeting had been rescheduled and new panellists appointed.

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

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Harbottle on 24 October 2024.

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 advance of the meeting the TRA agreed to a request from Mr Harbottle for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Harbottle was a class teacher at Mossfits Lane Primary School (“the School”) from 1 September 2011. On 31 May 2023, Mr Harbottle was arrested for sexual communication with a child. On 1 June 2023, Mr Harbottle appeared in court. On 5 June 2023, Mr Harbottle was then suspended from his position at the School. On 15 September 2023, the School held a disciplinary hearing and Mr Harbottle was dismissed.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against you proved, for these reasons:

1. On or around 1 June 2023 you were convicted at Southend on Sea Magistrates’ Court of:

- a. Attempting to engage in sexual communication with a child contrary to the Sexual Offences Act 2003 s15A(1), and**

b. Attempting to meet a boy under 16 years of age following grooming contrary to the Sexual Offences Act 2003 s15.

Mr Harbottle admitted the facts of the convictions in the Statement of Agreed Facts. Mr Harbottle admitted that he had been contacted by Essex Police following a police sting operation whereby Mr Harbottle communicated with officers posing as a 14-year-old boy. He admitted that this had involved the exchange of sexualised nude images and discussion of sexual acts. He admitted that he organised a meeting with the 14-year-old boy as he believed.

The panel had sight of the certificate of conviction confirming Mr Harbottle's convictions as alleged. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by those convictions.

The panel noted that the certificate of conviction stated that Mr Harbottle had been sentenced to 10 months' imprisonment suspended for 24 months. He was ordered to participate in a sexual offender programme for 30 days; to undertake a rehabilitation activity requirement for 25 days; [REDACTED]. He was subject to a notification period of 10 years and a sexual harm prevention order for 10 years.

The panel noted the sentencing remarks provided some details of Mr Harbottle's actions that led to his convictions. These stated that in around late May 2023, Mr Harbottle struck up a conversation on a legal internet dating application with someone he believed to be over the age of 18. It became apparent fairly quickly that the person with whom he was speaking (a decoy police officer) purported to be 14 and the conversation moved to a more private forum. Sexualised photographs were exchanged at Mr Harbottle's behest and the conversation led swiftly to discussions about "specific and highly intimate sexual behaviour". The Judge stated "It's clear that you knew what you were doing, you made that obvious by the sense of some form of self-awareness during the course of those exchanges, and obviously that what you were doing was wholly wrong..." The Judge stated that "nonetheless, you persisted, and so it was that you went to meet, what you believed to be, a 14-year-old boy... It must have been in your head, that there was a possibility you might have sexual activity with him...".

Based on Mr Harbottle's admission and the certificate of conviction the panel found the allegations proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to 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 first considered whether the conduct of Mr Harbottle in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel was not satisfied that the conduct of Mr Harbottle in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Harbottle 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
- 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 Harbottle's actions were relevant to teaching, working with children and/or working in an education setting. Mr Harbottle's actions indicated that he sought to meet a child he had groomed. He did this despite full knowledge of his safeguarding obligations having been a safeguarding officer.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of a child (had the person not been a police officer decoy).

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Harbottle's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Harbottle's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning offences involving sexual activity; sexual communication with a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents which the Advice states are likely to be considered relevant offences.

The panel considered that these were serious offences.

The panel noted the mitigating circumstances referred to in the Judge's sentencing remarks. The pre-sentence report referred to by the Judge was said to have referenced that Mr Harbottle experienced a [REDACTED].

The panel noted that the Judge also took account that Mr Harbottle had been a dedicated teacher, and that Mr Harbottle had spoken of his regret and insight as to the potential impact on colleagues, former students and institutions at which he had worked.

The panel also noted that the Judge considered that it was particularly important that in a letter from Mr Harbottle he had "expressed, unusually but perceptively, [his] own relief at being caught". The Judge stated that it seemed to him that Mr Harbottle had had time to reflect and to "appreciate that the actions of the police in trapping [him]... has perhaps saved you and indeed some other young person, from the reality of what this criminal offence would otherwise mean, if it was not an attempt, and therefore, it seems to me that [he had] shown considerable insight into [his] offending, and that also [gave the Judge] the necessary reassurance that, in fact, contrary to the observations made in the pre-sentence report, that [he does] represent a degree of harm to children in the future, it seem[ed] to [the Judge] that [his] own insight suggested, in fact, that's the opposite."

The Judge accepted that Mr Harbottle had expressed genuine remorse, and that nothing else had been discovered that suggested Mr Harbottle was predatory in any other way hitherto. Mr Harbottle was given full credit for his guilty pleas. The Judge was satisfied that there was a significant prospect of rehabilitation.

No evidence has been provided to the panel as to Mr Harbottle's rehabilitation.

The panel noted that Mr Harbottle accepted the allegations against him in the present misconduct proceedings on receiving the notice of referral. The panel also noted that the statement of agreed facts referred to Mr Harbottle having responded to the allegations raised by the School by admitting all allegations and stating that he "expected to be dismissed and barred from teaching based on [his] actions." Similarly, in an email to the presenting officer he referred to this being an "open and shut case. I committed a crime and was convicted, this makes me unsuitable to remain in the teaching profession. I should be debarred."

The panel saw no evidence of Mr Harbottle's teaching proficiency, save for the remarks of the Judge. Regardless of any teaching ability, the panel found that the seriousness of

the offending behaviour that led to the convictions was relevant to Mr Harbottle's ongoing suitability to teach. 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 convictions of relevant offences, 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. 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; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of attempting to engage in sexual communication with a child and attempting to meet a child following grooming.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Harbottle in the profession. Whilst Mr Harbottle may have had ability as an educator (albeit no evidence has been adduced of this), the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Harbottle in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he engaged in such conduct despite having been a safeguarding officer for a number of years.

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.

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 Mr Harbottle.

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;
- 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 disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, e.g. 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; and
- 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, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Mr Harbottle's actions were deliberate.

There was no evidence to suggest that Mr Harbottle was acting under extreme duress, e.g. a physical threat or significant intimidation. [REDACTED]. The panel was not provided with any of the underlying evidence in relation to these issues.

There was no evidence that Mr Harbottle had demonstrated exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector.

There was no evidence that Mr Harbottle had been previously subject to disciplinary proceedings/warnings.

No statements were adduced attesting to Mr Harbottle's character or his record as a teacher. The panel noted that the Judge referred to the mitigating features of Mr Harbottle's hitherto good character and that nothing else was discovered that suggested Mr Harbottle was predatory in any other way before the events leading to his arrest. The panel also noted that the Judge also took account that Mr Harbottle had been a dedicated teacher. The panel was not provided with any of the underlying evidence attesting to Mr Harbottle's character.

The panel noted that the Judge referred to Mr Harbottle having spoken of his regret and insight as to the potential impact on colleagues, former students and institutions at which he had worked. The panel also noted that Mr Harbottle had expressed his relief at being caught, that he had had time to reflect and to appreciate that the actions of the police in had prevented him from committing a more serious offence.

The Judge accepted that Mr Harbottle had expressed genuine remorse, and the panel noted that Mr Harbottle has admitted his actions in both the criminal proceedings, the School's disciplinary proceedings and these misconduct proceedings.

The panel also noted that the Judge was satisfied that there was a significant prospect of rehabilitation, albeit no evidence has been adduced as to Mr Harbottle's progress in that regard.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Harbottle 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 Harbottle. Mr Harbottle's dereliction of his safeguarding duties 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These included:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- 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;

The panel noted that the offences committed by Mr Harbottle involved the above conduct, albeit there was no evidence that Mr Harbottle had used his professional position to influence or exploit the individual.

Whilst Mr Harbottle may have demonstrated insight into the severity of his conduct, the panel had no evidence of the progress he has made in his rehabilitation. As such the panel had no assurance that Mr Harbottle posed no risk of repetition.

Given the severity of the offences committed by Mr Harbottle and their obvious relevance to working with children 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 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 Alan Harbottle should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Harbottle 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
- 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 Harbottle involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

The findings of misconduct are particularly serious as they include a teacher receiving a relevant conviction for attempting to engage in sexual communications with a child.

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 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 Harbottle, 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 observes that: "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the

serious findings of attempting to engage in sexual communication with a child and attempting to meet a child following grooming.” 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: “Whilst Mr Harbottle may have demonstrated insight into the severity of his conduct, the panel had no evidence of the progress he has made in his rehabilitation. As such the panel had no assurance that Mr Harbottle posed no risk of repetition.” In my judgement, the lack of evidence surrounding Mr Harbottle’s rehabilitation means that I agree with the panel 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 records the following: “Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Harbottle were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a teacher attempting to engage in sexual communications with a child in this case, and then making efforts to meet with that ‘child’, and the very serious negative impact that such findings are likely to 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 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 Harbottle himself. The panel records the following:

“No statements were adduced attesting to Mr Harbottle’s character or his record as a teacher. The panel noted that the Judge referred to the mitigating features of Mr Harbottle’s hitherto good character and that nothing else was discovered that suggested Mr Harbottle was predatory in any other way before the events leading to his arrest. The panel also noted that the Judge also took account that Mr Harbottle had been a dedicated teacher. The panel was not provided with any of the underlying evidence attesting to Mr Harbottle’s character.”

A prohibition order would prevent Mr Harbottle 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 extremely serious nature of the misconduct found by the panel, which led to a sentence of imprisonment (albeit suspended). I have also placed weight on the lack of evidence surrounding Mr Harbottle's rehabilitation.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Harbottle 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, 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 concluding comments:

"The panel noted that Mr Harbottle accepted the allegations against him in the present misconduct proceedings on receiving the notice of referral. The panel also noted that the statement of agreed facts referred to Mr Harbottle having responded to the allegations raised by the School by admitting all allegations and stating that he "expected to be dismissed and barred from teaching based on [his] actions." Similarly, in an email to the presenting officer he referred to this being an "open and shut case. I committed a crime and was convicted, this makes me unsuitable to remain in the teaching profession. I should be debarred."

The panel saw no evidence of Mr Harbottle's teaching proficiency, save for the remarks of the Judge. Regardless of any teaching ability, the panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Harbottle's ongoing suitability to teach. 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."

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 very serious nature of the misconduct found by the panel, which in my judgment

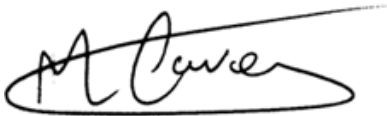
involves behaviour incompatible with working as a teacher, as well as the risk of repetition and consequent harm to pupils in the future.

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

This means that Mr Alan Harbottle 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 Harbottle 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 Harbottle has a right of appeal to 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 'M. Cavey', written over a horizontal line.

Decision maker: Marc Cavey

Date: 11 March 2025

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