



Teaching
Regulation
Agency

Ms Miriam Sebbagh: Professional conduct panel outcome

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

December 2021

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

Teacher:	Ms Miriam Sebbagh
Teacher ref number:	0140381
Teacher date of birth:	5 July 1969
TRA reference:	16739
Date of determination:	21 December 2021
Former employer:	Hunwick Primary School, County Durham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 21 December 2021 by way of a virtual hearing, to consider the case of Ms Miriam Sebbagh.

The panel members were Dr Steven Berryman (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Ms Alison Feist (former teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Ms Sebbagh 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 10 August 2021.

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

1. On 24th February 2020 she was made subject to a Forfeiture of Detained Cash order requiring her to forfeit £4670 in cash (plus interest) and to pay costs pursuant to paragraph 6(2) of Schedule 1 to the Anti-Terrorism, Crime and Security Act 2001.
2. The Forfeiture of Detained Cash Order at Allegation 1 was made wholly or partly on the basis of the following findings:
 - a. that she had previously and on more than one occasion sent money to one or more individuals and/or organisations that she knew were involved in terrorism;
 - b. that £4670 in cash seized from her safe on 1st June 2018 was 'terrorist cash' in that it was intended to be used in the support of terrorism;
 - c. that had she retained control of the cash seized she would have used it to make donations to individuals and/or organisations that she knew were involved in terrorism;
 - d. that she herself held views that a violent jihad was the correct interpretation of Islamic teaching;
 - e. that she had sought to radicalise Individual A using electronic messaging;
 - f. that she had claimed not to know that ISIS was a terrorist organisation in 2015 when in fact she was aware at that time;
 - g. that she had claimed not to know that the purpose of a video which she sent to Individual A was to promote Jihad when in fact she was aware at that time;
 - h. that she claimed not to have known that Individual B was involved in spreading hate against the West when she sent him money when in fact she was aware and/or shared his views at that time;
 - i. that by virtue of Allegations 2(f) and/or 2(g) and/or 2(h) she had been dishonest.
3. Her conduct leading to the Forfeiture of Detained Cash Order at Allegation 1, including those matters as may be proven at Allegation 2(a)-(e), amounts to conduct which undermined fundamental British values and/or promoted political and/or religious extremism.

Ms Sebbagh made no admission of facts.

Preliminary applications

Proceeding in the absence of the teacher

A case management hearing ('CMH') was held on 12 November 2021. The presenting officer sought directions in respect of three issues, one of which was to proceed in the absence of Ms Sebbagh, as she had indicated that she did not intend to attend the professional conduct panel hearing ('PCPH'). The panel considered that it was in the public interest for the PCPH to take place on the basis that Ms Sebbagh had been notified of the hearing and could attend the hearing if she changed her mind. The panel agreed to ensure that the proceedings are as fair as possible in the circumstances, should Ms Sebbagh not attend the hearing. The panel also agreed to reconsider this decision on the day of the hearing with the benefit of any up to date correspondence relating to this issue.

The panel re-considered the decision made at the CMH to proceed in the absence of Ms Sebbagh. The panel was of the view that the TRA had taken all reasonable steps to provide Ms Sebbagh with details of the hearing and the Microsoft Teams link to join the PCPH.

The panel noted that Ms Sebbagh had not provided any additional evidence regarding her non-attendance. She had sent correspondence to the TRA regarding other matters and therefore appeared to be aware of the PCPH and in receipt of the Microsoft Teams link.

The panel concluded that the CMH decision should stand given that Ms Sebbagh had indicated she would not attend the hearing and had therefore voluntarily absented herself and waived her right to attend. The panel did not consider that an adjournment would secure Ms Sebbagh's attendance and concluded that it was in the public interest for the hearing to proceed.

Procedures

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no prior representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Procedural documents – pages 2 to 5
- Section 2: TRA documents – pages 7 to 152
- Section 3: Teacher documents – not provided.

Witnesses

No witnesses were called to give oral evidence at the hearing.

Ms Sebbagh did not attend the hearing and therefore did not give oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Sebbagh was employed as a teacher by Hunwick Primary School ('the School').

On 6 July 2017, Ms Sebbagh was arrested under section 15 of the Terrorism Act 2000. Counter Terrorism Policing North East ('CTPNE') notified what was then the National College for Teaching and Leadership ('NCTL') of Ms Sebbagh's arrest, on 10 August 2017.

An investigation was carried out and CTPNE obtained additional information regarding Ms Sebbagh. The Crown Prosecution Service, having considered the necessary threshold, decided that there was insufficient evidence to charge Ms Sebbagh with any criminal offences. However, CTPNE maintained a high level of concern regarding Ms Sebbagh's state of mind, the opinions which she espoused and her actions within the teaching arena.

In the meantime, the NCTL was repurposed and regulation of the teaching profession has been handled by the TRA since 1 April 2018.

The TRA received further information from CTPNE on 21 June 2018. CTPNE expressed concern about Ms Sebbagh's conduct and submitted that her conduct should be considered by the TRA.

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 24th February 2020 you were made subject to a Forfeiture of Detained Cash order requiring you to forfeit £4670 in cash (plus interest) and to pay costs pursuant to paragraph 6(2) of Schedule 1 to the Anti-Terrorism, Crime and Security Act 2001.**

The panel considered the Forfeiture of Detained Cash order at page 7 of the bundle and the written judgment of District Judge Holland on pages 8 and 9 of the bundle. The Forfeiture of Detained Cash order (dated 24 February 2020) set out that an amount of £4,670 was seized from Ms Sebbagh on 1 June 2018. It was ordered that the whole of that amount be forfeited and in addition, Ms Sebbagh was also ordered to pay the costs of £12,654.40.

The panel found allegation 1 proved.

- 2. The Forfeiture of Detained Cash Order at Allegation 1 was made wholly or partly on the basis of the following findings:**

In respect of all aspects of allegation 2, the panel considered the documentation contained within the bundle, in particular District Judge Holland's judgment, which it accepted as being the findings of a competent court made in public on the balance of probabilities. The panel placed considerable weight on District Judge Holland's judgment as part of its deliberations and conclusions.

The panel noted that during a police interview on 8 May 2018 Ms Sebbagh answered 'no comment' to most of the questions put to her and instead provided two brief written statements during the course of the interview. The panel was informed that Ms Sebbagh had not submitted any documents or other evidence to be considered as part of this hearing in respect of the allegations against her, nor had she provided a formal response to the notice of proceedings.

- a. that you had previously and on more than one occasion sent money to one or more individuals and/or organisations that you knew were involved in terrorism;**

In respect of allegation 2(a) the panel noted that, during Ms Sebbagh's police interview on 8 May 2018 she provided a prepared statement within which she stated that she

regularly donated to good causes including Muslim charities as part of her faith. She denied making payments to those concerned with terrorism and stated that she had ceased making any donations.

In District Judge Holland's written judgment, having heard from Ms Sebbagh and West Yorkshire Police, she was satisfied, on the evidence provided, that on many previous occasions Ms Sebbagh had made donations to those she knew were involved in terrorism.

The panel noted the witness statement provided by Individual C, which stated that Ms Sebbagh initially came to the attention of CTPNE following receipt of financial intelligence, which indicated that she had made several payments to an individual linked to Al-Muhajiroun ('ALM') which is a proscribed terrorist organisation. The investigation identified that Ms Sebbagh sent 5 payments totalling £2,500 from her account to the individual. In addition, an analysis of accounts linked to Ms Sebbagh identified that she made numerous payments to various individuals, charities, overseas accounts and "crowd funded" charity donation platforms such as JustGiving.com, gofundme.com and BT MyDonate.

Individual C's witness statement set out details of the various payments made, which included (but are not limited to):

- 7 payments totalling £1,310 made between 27 January and 5 July 2016 to an individual whose home address was searched in 2016 in relation to offences contrary to the Terrorism Act 2006. This individual subsequently left the UK and is suspected to have travelled to join ISIS. CTPNE was concerned that Ms Sebbagh had provided funds in order to fund the travel from the UK and/or to provide the funds to ISIS or other extremist groups.
- One unsuccessful payment of £50 in 2015 to another individual who was arrested in July 2015 in relation to offences contrary to the Terrorism Act 2006.
- One payment of £100 in 2017 to an individual who was believed to have married a suspected ALM member.

A letter from CTPNE to the TRA dated 21 June 2018 also confirmed that some of the payments Ms Sebbagh made were to persons who have in the past either been arrested or investigated on suspicion of terrorism related offences.

The panel noted the witness statement provided by Individual C which confirmed that one of the organisations Ms Sebbagh had donated to, One Nation, is a registered charity. However, on 16 November 2016 the commission opened a statutory inquiry into the charity pursuant to section 46 of the Charities Act 2011. Individual C's witness statement

indicates that this charity has featured in numerous ongoing CTPNE investigations and has been linked to persons of interest to CTPNE, [REDACTED].

Individual C stated that, despite Ms Sebbagh's assertion that the payments she had made were charitable in nature, the only "charitable" aspects of those payments were to support fellow extremists whilst under criminal investigation for terrorist related offences and/or to fund travel to join ISIS or others who espouse hate.

In light of the above and, in particular, District Judge Holland's findings, the panel concluded that Ms Sebbagh had previously and on more than one occasion, sent money to one or more individuals and/or organisations that she knew were involved in terrorism. Accordingly, the panel found allegation 2(a) proven.

b. that £4670 in cash seized from your safe on 1st June 2018 was 'terrorist cash' in that it was intended to be used in the support of terrorism;

In respect of allegation 2(b), the panel noted that, in District Judge Holland's written judgment, having heard from Ms Sebbagh and West Yorkshire Police, she was satisfied that, on the balance of probabilities, the £4,670 seized from Ms Sebbagh's safe on 1 June 2019 was intended to be used for the purpose of terrorism.

In light of District Judge Holland's findings, the panel concluded that, on the balance of probabilities, the money seized from Ms Sebbagh's safe was intended to be used in the support of terrorism. Accordingly, the panel found allegation 2(b) proven.

c. that had you retained control of the cash seized you would have used it to make donations to individuals and/or organisations that you knew werinvolved in terrorism;

In respect of allegation 2(c), District Judge Holland's written judgment stated that she was satisfied that on many previous occasions Ms Sebbagh had made donations to those she knew were involved in terrorism. District Judge Holland further indicated that she was satisfied that had Ms Sebbagh retained the cash that was seized, it would likely have been used to make donations to similar organisations.

In [REDACTED] witness statement Individual C stated that CPTNE considered that if the detained funds were returned to Ms Sebbagh, they would be used to fund further payments to extremist minded individuals and organisations.

In light of the above and, in particular, District Judge Holland's findings, the panel concluded that, on the balance of probabilities, had she retained control of the money

that was seized, Ms Sebbagh would likely have used it to make donations to those involved in terrorism. Accordingly, the panel found allegation 2(c) proven.

d. that you yourself held views that a violent jihad was the correct interpretation of Islamic teaching;

In respect of allegation 2(d), the panel considered the redacted handwritten notes of the forfeiture hearing ('Hearing Notes'). The Hearing Notes indicate that, during the hearing, Ms Sebbagh stated she had held extreme views in two periods of her life which had included views that a violent jihad was the correct interpretation of Islamic teaching. She indicated that she no longer held such views.

In District Judge Holland's written judgment, having heard from Ms Sebbagh and West Yorkshire Police, she was satisfied that Ms Sebbagh made donations to those involved with terrorism because Ms Sebbagh had strongly held views that violent jihad was the correct interpretation of Islamic teaching.

During a conversation with Individual A via electronic messaging in 2015, Ms Sebbagh indicated that she viewed jihad as only referring to violent acts.

The panel was provided with evidence suggesting that Ms Sebbagh had liked a number of pages on Facebook including individuals linked to ISIS, extremist views and hate speech. One such individual, Individual D, was convicted of stirring up racial hatred in the UK [REDACTED].

Individual C's witness statement also confirmed that a small number of provocative and inflammatory images were found on a mobile phone believed to belong to Ms Sebbagh, together with anonymising and privatising applications. Individual C further stated that Ms Sebbagh used an application called Telegram and 76% of the channels she subscribed to were extreme in nature. In a statement from Individual E, he stated: *"The level of competence in relation to anonymizing and privatizing software demonstrated by the user of this device goes beyond that of an average user, and displays proactivity in relation to such secrecy."*

Finally, Individual C's witness statement confirmed that Ms Sebbagh had refused to be drawn on her religious views but had stated that she did not support democracy and, in the past, she had more concerning views but she had come away from that way of thinking.

In light of the above and, in particular, District Judge Holland's findings, the panel concluded, on the balance of probabilities, that Ms Sebbagh held views that violent jihad

was the correct interpretation of Islamic teaching. Accordingly, the panel found allegation 2(d) proven.

e. that you had sought to radicalise Individual A using electronic messaging;

In respect of allegation 2(e), the panel was provided with copies of electronic messages exchanged between Ms Sebbagh and Individual A.

In [REDACTED] witness statement, Individual F states: *“In summary the chat is in relation to religion and the two persons differing views on Islam. [Ms Sebbagh] can be seen from the chat as being more extreme in her views on Islam, for instance she does not agree with voting saying that it is against Islam as only Allah can make laws and judge us. They both look to share a number of links to videos on Facebook and Youtube however the ones from [Ms Sebbagh] have mainly all been removed, whilst the ones by [Individual A] are still there showing a more moderate view on Islam. They are both trying to convert the other to their thinking on Islam. This chat shows a more extremist view on Islam held by [Ms Sebbagh].”*

During Ms Sebbagh’s police interview on 8 May 2018 she provided a prepared statement within which she stated that she had no recollection of exchanging these messages. However, the Hearing Notes indicate that Ms Sebbagh stated that she was having a private conversation with a friend which was not intended to cause any harm.

District Judge Holland stated in her written judgment: *“I am satisfied those conversations show [Ms Sebbagh] was trying to radicalise her friend to agree with her own firmly held beliefs about violent jihad.”*

In light of the above and, in particular, District Judge Holland’s findings, the panel concluded, on the balance of probabilities, that Ms Sebbagh sought to radicalise Individual A using electronic messaging. Accordingly, the panel found allegation 2(e) proven.

f. that you had claimed not to know that ISIS was a terrorist organisation in 2015 when in fact you were aware at that time;

In respect of allegation 2(f), the panel considered the Hearing Notes which included notes of Ms Sebbagh’s evidence as part of those proceedings. Ms Sebbagh indicated in her evidence that she did not know ISIS was a terrorist organisation in 2015.

The panel also noted that District Judge Holland stated in her written judgment: *“I am satisfied [Ms Sebbagh] was not telling the truth when she further claimed that she did not know in 2015 that ISIS were a terrorist organisation. I am satisfied that those*

conversations show [Ms Sebbagh] was trying to radicalise her friend to agree with her own firmly held beliefs about violent jihad.”

The panel was of the view that it is common knowledge that ISIS is a terrorist organisation (and would have been in 2015). The panel concluded that Ms Sebbagh should have been aware of this by virtue of it being common knowledge and also by virtue of the training she should have received as a teacher including but not limited to ‘Prevent’ training.

In light of this and, in particular, District Judge Holland’s findings, the panel concluded, on the balance of probabilities, that Ms Sebbagh claimed not to know that ISIS was a terrorist organisation in 2015 when in fact she was aware at the time. Accordingly, the panel found allegation 2(f) proven.

g. that you had claimed not to know that the purpose of a video which you sent to Individual A was to promote jihad when in fact you were aware at that time;

In respect of allegation 2(g), the panel referred again to the Hearing Notes. The notes indicated that Ms Sebbagh had stated she was not aware of the full content of the videos she shared and she was not aware that a video she sent to Individual A had the purpose of promoting jihad.

Furthermore, during Ms Sebbagh’s police interview on 8 May 2018 she provided a prepared statement within which she stated that she had no recollection of sharing or viewing the videos she was said to have shared.

The electronic messages that Ms Sebbagh exchanged with Individual A indicate that videos were shared during the course of the conversation. Whilst the panel was not provided with copies of the videos Ms Sebbagh sent to Individual A, the panel was provided with a witness statement from Individual C, who stated that Ms Sebbagh sent four extreme and concerning videos to Individual A, one of which would be classified as a criminal offence to disseminate contrary to the Terrorism Act 2006. The panel was also provided with a witness statement from Individual F which included descriptions of the videos.

The panel also noted that District Judge Holland stated in her written judgment: *“I found [Ms Sebbagh] to be evasive and her evidence was not credible. I am satisfied that [Ms Sebbagh] was not telling the truth when she claimed she did not appreciate that the message of the video she sent during the argument with [Individual A] was to promote a violent jihad. That message was clear throughout the video, that was the purpose of the video.”*

In light of the above and, in particular, District Judge Holland's findings, the panel concluded, on the balance of probabilities, that Ms Sebbagh was aware that the purpose of the video/videos she sent to Individual A was to promote jihad. Accordingly, the panel found allegation 2(g) proven.

h. that you claimed not to have known that Individual B was involved in spreading hate against the West when you sent him money when in fact you were aware and/or shared his views at that time;

In respect of allegation 2(h), the panel referred again to the Hearing Notes. The notes indicated that Ms Sebbagh stated she was not aware that Individual B was involved in spreading hate when she sent money to Individual B.

District Judge Holland stated in her written judgment: *"I am satisfied [Ms Sebbagh] was not giving truthful evidence when she said she had not known that [Individual B] was heavily concerned in spreading hate against the west when she sent him money. I am satisfied she sent him money because she knew his views and they were the same as her own"*.

In light of the above and, in particular, District Judge Holland's findings, the panel concluded, on the balance of probabilities, that Ms Sebbagh did know that Individual B was involved in spreading hate against the West when she sent him money and/or that she shared his views at the time. Accordingly, the panel found allegation 2(h) proven.

i. that by virtue of Allegations 2(f) and/or 2(g) and/or 2(h) you had been dishonest.

The panel considered whether Ms Sebbagh had acted dishonestly in relation to the proven facts of allegations 2(f), 2(g) and 2(h). In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel did not have the opportunity to hear oral evidence from Ms Sebbagh because she did not attend the hearing. However, the panel noted that District Judge Holland did not find the Claimant to be an honest witness. In the written judgment she stated:

"[Ms Sebbagh] gave evidence. I am satisfied she is an intelligent and well educated woman. I did not find her to be a truthful witness"

"Her evidence in relation to the text of the typed conversation she had with [Individual A] over Skype in March 2015, was inconsistent with her cross examination and when compared to her interviews with the police. I found the Respondent to be evasive and her

evidence was not credible. I am satisfied that the Respondent was not telling the truth when she claimed she had not seen all of the videos that she sent to her friend. I am satisfied she was telling a deliberate and calculated lie when she claimed she did not appreciate that the message of the video she sent during the argument with her friend, was to promote a violent jihad. That message was clear throughout the video, that was the purpose of the video.”

“I am satisfied the Respondent was not telling the truth when she further claimed she did not know in 2015 that ISIS were a terrorist organisation.”

“I am satisfied the Respondent was not giving truthful evidence when she said she had not known that [Individual B] was heavily concerned in spreading hate against the west when she sent him money.”

“I reject the evidence of [Ms Sebbagh] as unreliable and untruthful”.

In light of District Judge Holland’s findings in respect of Ms Sebbagh’s honesty and credibility, the panel concluded, on the balance of probabilities, that Ms Sebbagh had been dishonest by virtue of allegations 2(f), 2(g) and 2(h). Accordingly, the panel found allegation 2(i) proven.

In summary, the panel found allegations 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h) and 2(i) proved.

3. Your conduct leading to the Forfeiture of Detained Cash Order at Allegation 1, including those matters as may be proven at Allegation 2(a)-(e), amounts to conduct which undermined fundamental British values and/or promoted political and/or religious extremism.

The panel was of the view that Ms Sebbagh’s conduct as described in allegations 1 and 2 above was very serious in nature and the panel was concerned about her conduct and views. The panel noted in particular that Ms Sebbagh had said that she did not support democracy which it felt was a fundamental British value. Furthermore, Ms Sebbagh had expressed extreme views, sought to radicalise Individual A and donated money to organisations/individuals linked with terrorism.

As a result, the panel considered that Ms Sebbagh’s conduct undermined fundamental British values and/or promoted political and/or religious extremism.

Accordingly, the panel found allegation 3 proved.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Ms Sebbagh, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Sebbagh 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
 - 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

The panel was satisfied that the conduct of Ms Sebbagh amounted to misconduct of a very serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Sebbagh’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offences of terrorism, intolerance and/or hatred on the grounds of race/religion and serious dishonesty were relevant. The Advice indicates that where behaviours associated with such offences exist but a teacher is not convicted of such offences, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting in that they took place outside of school hours, outside of school and were not specifically related to Ms Sebbagh’s teaching. However, the panel considered that Ms Sebbagh’s conduct was relevant to her fitness to teach. The panel considered that Ms Sebbagh’s conduct could affect the way in which she fulfilled her teaching role or could lead to pupils being exposed to or influenced by her behaviour/conduct in a harmful way.

Accordingly, the panel was satisfied that Ms Sebbagh 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 very serious, including dishonesty, intolerant views and making donations to organisations linked with terrorism. The panel was of the view that the conduct displayed would have a negative impact on Ms Sebbagh's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1, 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i) and 3 proved, the panel further found that Ms Sebbagh'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 were 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 protection 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.

In the light of the panel's findings against Ms Sebbagh, which involved sending funds to individuals or groups involved in terrorist activities; holding views that a violent jihad was the correct interpretation of Islamic teaching; seeking to radicalise Individual A; and being dishonest, there was an exceptionally strong public interest consideration in respect of

the protection of pupils. The panel was of the view that Ms Sebbagh's conduct was at the more serious end of the scale, and it was mindful of the gravity and extremely serious nature of the allegations against her.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Sebbagh was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a very strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Sebbagh 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 Sebbagh.

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 Sebbagh. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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.

There was no evidence that Ms Sebbagh's actions were not deliberate. There was no evidence to suggest that Ms Sebbagh was acting under duress.

No evidence was submitted to attest to Ms Sebbagh's previous history as a teacher, nor did Ms Sebbagh submit any documents in the form of mitigation.

The panel was of the view that Ms Sebbagh had been provided with several opportunities to engage with this process and answer to the serious allegations against her and yet she had chosen not to meaningfully engage. The panel was not provided with any evidence that Ms Sebbagh demonstrated any insight, remorse or regret in respect of her conduct.

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 Sebbagh 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 Sebbagh. The seriousness of the allegations (involving supporting violent jihad and donating money to individuals/organisations linked with terrorism), the deliberate, purposeful and dishonest nature of Ms Sebbagh's conduct, and her complete lack of insight were significant factors 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. These behaviours include terrorism, intolerance and/or hatred on the grounds of race/religion and serious dishonesty, which the panel found to be relevant in this case.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Ms Sebbagh 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
 - 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.

The panel was also, “satisfied that the conduct of Ms Sebbagh amounted to misconduct of a very serious nature which fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as the panel indicate that, “the offences of terrorism, intolerance and/or hatred on the grounds of race/religion and serious dishonesty were relevant”.

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

considered therefore whether or not prohibiting Ms Sebbagh, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “that Ms Sebbagh’s conduct could affect the way in which she fulfilled her teaching role or could lead to pupils being exposed to or influenced by her behaviour/conduct in a harmful way.”

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel was not provided with any evidence that Ms Sebbagh demonstrated any insight, remorse or regret in respect of her conduct.” In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The findings of misconduct are very serious, including dishonesty, intolerant views and making donations to organisations linked with terrorism. The panel was of the view that the conduct displayed would have a negative impact on Ms Sebbagh’s status as a teacher, potentially damaging the public perception.

I am particularly mindful of the finding of dishonesty and intolerant views in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Ms Sebbagh herself. The panel comment, “No evidence was submitted to attest to Ms Sebbagh’s previous history as a teacher, nor did Ms Sebbagh submit any documents in the form of mitigation.”

A prohibition order would prevent Ms Sebbagh from teaching and 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 considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has also said in terms of its overall conclusion that, "The seriousness of the allegations (involving supporting violent jihad and donating money to individuals/organisations linked with terrorism), the deliberate, purposeful and dishonest nature of Ms Sebbagh's conduct, and her complete lack of insight were significant factors in forming that opinion."

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period. I have taken into account the Advice published by the Secretary of State.

I have also considered the panel's comments "there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include terrorism, intolerance and/or hatred on the grounds of race/religion and serious dishonesty, which the panel found to be relevant in this case."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review period is in the public interest, necessary and proportionate are the dishonesty found, the lack of insight and remorse, and the intolerant views and, "supporting violent jihad and donating money to individuals/organisations linked with terrorism".

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

This means that Ms Miriam Sebbagh 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 her, I have decided that Ms Miriam Sebbagh shall not be entitled to apply for restoration of her eligibility to teach.

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

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

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 22 December 2021

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