



Teaching
Regulation
Agency

Mr Ebrahim Kajee Professional conduct panel meeting outcome

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

October 2020

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

Teacher:	Mr Ebrahim Kajee
Teacher ref number:	0318423
Teacher date of birth:	01 December 1966
TRA reference:	18551
Date of determination:	26 October 2020
Former employer:	Bexleyheath Academy, Bexleyheath, Kent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 26 October 2020 by video conference to consider the case of Mr Kajee.

The panel members were Mr Roger Woods (former teacher panellist – in the chair), Ms Karen McArthur (lay panellist) and Mr Steven Berryman (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts 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 Kajee that the allegations be considered without a hearing. Mr Kajee provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Holly Quirk, Mr Kajee or his representative Mr Simon Pettet from NASUWT.

The meeting took place in private and the panel’s decision was also announced in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 13 October 2020.

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

1. Whilst applying for the role of Teacher of Maths at the Bexleyheath Academy on or around 7th June 2018, Mr Kajee provided false and/or misleading information by stating in his application form that from September 2011 until August 2015 he was employed at the Hextable School (Oasis Academy Hextable), when in fact he had been employed at the Brompton Academy between April 2014 until July 2015;
2. Whilst applying for the role of Teacher of Maths at the Holcombe Grammar School on or around 17th May 2019, Mr Kajee provided false and/or misleading information by stating in his application form that he had not been subject to any disciplinary action in his current or previous positions and/or had any allegations made, when in fact;
 - a. during his employment at the Brompton Academy.
 - i. in or around December 2014 he was subject to disciplinary action, namely a written warning to remain on his file for 12 months;
 - ii. in or around May 2015 he was subject to disciplinary action, namely a final warning and/or a demotion from his role as deputy subject leader;
 - iii. in or around July 2015 he was subject to disciplinary action, namely dismissal from his role;
 - b. during his employment at the Bexleyheath Academy, on or around December 2018, a disciplinary hearing was due to commence prior to his resignation following allegations that he had falsified his job application form and/or withheld information due to a previous dismissal;
3. Mr Kajee's conduct as may be found proven at 1 and/or 2 above lacked integrity and/or was dishonest in that he sought to conceal; a. his employment at the Brompton Academy; b. that he had been subject to previous disciplinary action.

Mr Kajee admits the facts of the allegations against him and that his behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the Statement of Agreed Facts signed by Mr Kajee on 09 April 2020.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, response and Notice of Meeting – pages 4 to 9

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 11 to 19

Section 4: Teaching Regulation Agency Documents – pages 21 to 146

Section 5: Teacher Documents – pages 148 to 149

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

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts which was signed by Mr Kajee on 9 April 2020 which related to Mr Kajee providing false and/or misleading information regarding his current or previous employment history when applying for a job role at Bexleyheath Academy on or around 7 June 2018.

Secondly, the facts related to Mr Kajee providing false and/or misleading information stating he had not been subject to any disciplinary action in his current or previous positions when applying for job roles at Holcombe Grammar School on or around 17 May 2019. Mr Kajee admitted in the Statement of Agreed Facts to have deliberately provided false and/or misleading information on more than one occasion to improve his prospects of securing teaching positions. Mr Kajee accepts that his behaviour was dishonest and lacked integrity in that he sought to conceal his employment and previous disciplinary action.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Kajee for the allegations 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.

In summary, Mr Kajee was employed at Bexleyheath Academy from 2 July 2018 to 31 December 2018 as a mathematics teacher.

On or around 7 June 2018, when completing his application for a mathematics teacher role at Bexleyheath Academy, Mr Kajee falsely stated that he had been employed at the Hextable School (Oasis Academy Hextable) from September 2011 to August 2015. This was incorrect as he had been employed at the Brompton Academy between April 2014 and July 2015. Mr Kajee made this statement to improve the chances of his application being successful by concealing the fact that he had been employed at Brompton Academy, where he had been subject to allegations of misconduct and disciplinary action. Mr Kajee was successful in his application and started employment with Bexleyheath Academy in July 2018.

On 18 December 2018, Mr Kajee was due to attend a disciplinary hearing to face allegations that he had falsified his job application form and/or withheld information due to a previous dismissal from Brompton Academy. Prior to the disciplinary hearing taking place, Mr Kajee resigned from his role at Bexleyheath Academy.

On or around 17 May 2019, when completing his application for a mathematics teacher role at Holcombe Grammar School, Mr Kajee falsely stated that he had not been subject to any disciplinary action in his current or previous positions. As part of his application, Mr Kajee certified that the information he was providing was true and correct. This information was incorrect as he had allegations made against him and/or been subject to disciplinary action at both the Brompton Academy in 2014/2015 and Bexleyheath Academy in 2018.

Mr Kajee was subsequently successful with another application for the position of 'Second in Charge of Maths' at Victory Academy where they did not ask for his previous history of disciplinary action.

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:

The allegations were admitted and were supported by evidence presented to the panel within the bundle, the allegations were therefore, found proved.

1. On or around 7 June 2018, whilst applying for the role of Teacher of Maths at the Bexleyheath Academy you provided information on your application which you knew to be false and/or misleading, in that:

a) You stated from September 2011 until August 2015 you were employed at the Hextable School (Oasis Academy Hextable) when in fact you had been employed at the Brompton Academy between April 2014 until July 2015.

On examination of the documents before the panel, the panel was satisfied that the allegation was proven.

2. On or around 17 May 2019, whilst applying for the role of Teacher of Maths at the Holcombe Grammar School you provided information on your application which you knew to be false and/or misleading, in that you stated in your application form that you had not been subject to any disciplinary action in your current or previous positions and/or had any allegations made, when in fact:

a) During your employment at the Brompton Academy;

i. in or around December 2014 you were subject to disciplinary action, namely a written warning to remain on your file for 12 months;

ii. in or around May 2015 you were subject to disciplinary action, namely a final warning and/or a demotion from your role as deputy subject leader; and

iii. in or around July 2015 you were subject to disciplinary action, namely dismissal from your role.

b) During your employment at the Bexleyheath Academy, on or around December 2018, a disciplinary hearing was due to commence prior to your resignation following allegations that you had falsified your job application form and/or withheld information due to a previous dismissal.

On examination of the documents before the panel, the panel was satisfied that the allegation was proven.

3. Your conduct as may be found proven above, lacked integrity and/or was dishonest in that you sought to conceal:

- a) **Your employment at the Brompton Academy; and**
- b) **That you had been subject to previous disciplinary action.**

On examination of the documents before the panel, the panel was satisfied that the allegation was proven.

In particular, the panel considered that, over a sustained period of time and on more than one occasion, Mr Kajee had deliberately attempted to cover up the facts of this matter in order to secure an outcome (i.e. a teaching job) that would not otherwise have been available to him. Furthermore, Mr Kajee falsely stated that he was employed by a school that had closed, which meant that his alleged former employment at that school could not be validated. The panel also considered that the matters Mr Kajee was attempting to conceal revealed a lack of integrity. The panel therefore found that Mr Kajee had acted dishonestly and without integrity.

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

Having found the allegations proved, the panel went on to consider whether the facts of the 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 Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

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

Dishonest conduct is inherently serious and the panel was satisfied that the conduct of Mr Kajee fell short of the standards expected of the profession.

The panel also considered whether Mr Kajee’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Mr Kajee 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 they behave.

The panel considered that Mr Kajee's behaviour, in committing the misconduct whilst holding a position of authority, as a teacher of many years' experience could affect public confidence in the teaching profession.

Having found the facts of particulars 1, 2 and 3 of the allegations proved, the panel found that Mr Kajee'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 a 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 a 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 maintenance of public confidence in the profession; and, declaring and upholding proper standards of conduct.

In the light of the panel's findings, which involved serious dishonesty, there was a strong public interest consideration in declaring and upholding proper standards of conduct, as the conduct found against Mr Kajee was outside that which could reasonably be tolerated.

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

Notwithstanding 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 Kajee.

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 Mr

Kajee. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- dishonesty especially where there have been serious consequences, and it has been repeated and/or covered up;

Even though the conduct 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 evidence that Mr Kajee's actions were deliberate and there was no evidence to suggest that Mr Kajee was acting under duress, in that he was coerced to act as he did. The panel saw evidence that Mr Kajee was previously subject to disciplinary proceedings resulting in a warning, a final written warning and, ultimately, dismissal. The panel reflected on the disciplinary allegations against Mr Kajee, which ranged from disregarding management instructions, crossing boundaries and significant concerns regarding the safeguarding of pupils. These provided a wider picture of his conduct, which revealed Mr Kajee's lack of professional integrity.

By way of mitigation, Mr Kajee stated that, following his dismissal, he suffered with health concerns, financial pressures, and emotional stress. He felt he could only secure a post in teaching by omitting to disclose the disciplinary procedures. The panel considered the mitigation provided by Mr Kajee, but did not attach significant weight to it. Whilst Mr Kajee communicated his regret and apologised for his misconduct, the panel was concerned that Mr Kajee had demonstrated little or no insight into the impact of his misconduct on the pupils and the schools involved, or the reputation of the schools. Accordingly, the panel concluded that there was a genuine lack of insight and remorse.

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Kajee. Mr Kajee's sustained dishonesty and lack of integrity for his own benefit was a significant factor in reaching that conclusion, together with his lack of insight and remorse. 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 to recommend that a review period of the order should be considered. 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include fraud or serious dishonesty. The panel found that Mr Kajee was responsible for serious dishonesty, lack of integrity and had not shown insight into his actions or remorse.

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 Mr Ebrahim Kajee should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Kajee 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.

The panel finds that the dishonest conduct is inherently serious and was satisfied that the conduct of Mr Kajee fell short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding that Mr Kajee had acted dishonestly and without integrity, by providing false and misleading information and had deliberately attempted to cover up the facts in order to secure an outcome (i.e. a teaching job) that would not otherwise have been available to him.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Kajee, and the impact that will have on him, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Whilst Mr Kajee communicated his regret and apologised for his misconduct, the panel was concerned that Mr Kajee had demonstrated little or no insight into the impact of his misconduct on the pupils and the schools involved, or the reputation of the schools." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and 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, "In the light of the findings, which involved serious dishonesty, there was a strong public interest consideration in declaring and upholding proper standards of conduct, as the conduct found against Mr Kajee was outside that which could reasonably be tolerated." I am particularly mindful of the finding of dishonesty on more than one occasion and the impact that such a finding has on the reputation of the profession.

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 maintenance of public confidence in the profession; and, declaring and upholding proper standards of conduct.

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

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

I have also considered the impact of a prohibition order on Mr Kajee and the panel's comment "following his dismissal, he suffered with health concerns, financial pressures, and emotional stress. He felt he could only secure a post in teaching by omitting to disclose the disciplinary procedures."

A prohibition order would prevent Mr Kajee 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 "There was evidence that Mr Kajee's actions were deliberate and there was no evidence to suggest that Mr Kajee was acting under duress, in that he was coerced to act as he did."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Kajee 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 fully 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 considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include fraud or serious dishonesty. The panel found that Mr Kajee was responsible for serious dishonesty, lack of integrity and had not shown insight into his actions or remorse", therefore I have given this considerable weight in reaching my decision.

The panel saw evidence that Mr Kajee was previously subject to disciplinary proceedings resulting in dismissal that led to the misconduct in this case. The panel reflected on the disciplinary allegations against Mr Kajee "ranging from disregarding management instructions, crossing boundaries and significant concerns regarding the safeguarding of pupils." Although the panel felt this provided a wider picture of his conduct, and lack of professional integrity, I am mindful that these issues were not themselves the misconduct being considered in this case.

I have considered carefully whether a no review period is proportionate to achieve the aim of maintaining public confidence in the profession and in the circumstances whilst the misconduct involved sustained dishonesty and lack of integrity for Mr Kajee's own

benefit. Although Mr Kajee had apologised the panel felt he had shown a lack of insight and remorse, I do feel under the circumstances a review period would be sufficient in this case.

I consider therefore that a ten year review period is required to satisfy the maintenance of public confidence in the profession and would adequately and sufficiently mark to the public the seriousness of the panel's findings.

This means that Mr Kajee is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 11 November 2030, 10 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Kajee remains prohibited from teaching indefinitely.

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

Mr Kajee has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the I have gone on to consider the matter of a review period.

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

Decision maker: Sarah Buxcey

Date: 3 November 2020

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