

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Asia Nouri
Teacher ref no: 10/40995
Teacher date of birth: 10 January 1969
TA Case ref no: 8106
Date of Determination: 21st November 2012

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 19th-20th November 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Asia Nouri.

The Panel members were Keith Nancekievell (Teacher Panellist – in the Chair), Anthony Bald (Teacher Panellist) and Geoffrey Penzer (Lay Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Sophie Lister of Kingsley Napley Solicitors.

Ms Asia Nouri was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 15th August 2012.

It was alleged that Ms Asia Nouri was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that she:

Whilst attending a placement at Tabor Science College, Braintree, between April and June 2010, as part of her PGCE Secondary Education (Mathematics) course with Anglia Ruskin University, Chelmsford, she;

(a) Ignored advice from her mentor by issuing an excessive amount of detentions without following standard procedures;

(b) Locked students in a classroom and informed them that they could not leave;

(c) Used inappropriate language in front of students;

And

(d) Was cautioned by the police for the criminal offence of harassment on 19 May 2011.

C. Summary of Evidence

Documents

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

Section 1 – Anonymised pupil list – no papers

Section 2 – Notice of Proceedings and Response – pages 2-10

Section 3 – Teaching Agency Statements – pages 11-29

Section 4 – Teaching Agency documents – pages 30-144

Section 5 – Teacher Documents – added at start of hearing – pages 145-189.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

The Presenting Officer called two live witnesses.

(i) Witness A (Head of Department of Teacher Education and PGCE Teacher Training at the relevant time).

Witness A had responsibility for teaching training courses running at Anglia Ruskin University at the time Ms Nouri was registered for a PGCE.

(ii) Witness B (recently retired after being Head of Maths and Assistant Headteacher at Tabor Science College).

Witness B oversaw all trainee teachers, giving guidance and dealing with any problem issues and held this role when Ms Nouri attended at the College for a placement.

At the conclusion of Witness B's evidence Witness A returned to explain the content of the documents which were at this time added to the bundle of papers at pages 144 (a) to (m) which dealt with Ms Nouri's postponement of her PGCE course from 2008 to 2009 and completion of her Mathematics Booster Course from August to November 2008.

The panel made their decisions on the basis of the papers, the evidence provided by the two witnesses and the submissions of the Presenting Officer.

D. Decision and Reasons

The panel announced their decisions and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

This case concerns a trainee teacher who has been accused of imposing excessive detentions, locking pupils in a classroom, using inappropriate language in front of pupils and being cautioned by the police for an offence of harassment.

Findings of fact

Our findings of fact are as follows:

(a) We find this factual allegation not proved. We believe that the number of detentions imposed was clearly excessive and entirely inconsistent with the school's stated behaviour management policy. However, we have not been provided with evidence of the standard procedures that Ms Nouri should have followed in the circumstances that she faced. This is an important part of the factual allegation as alleged and as her failure to follow such procedures has not been made out we do not find this factual allegation proved on the balance of probabilities.

(b) We find this factual allegation proved. Ms Nouri does not dispute that the door was locked by her and acknowledges that she told the class that they could not leave until they had tidied up.

(c) We find this factual allegation proved. Ms Nouri accepts the conduct as alleged and the language used on a single occasion.

(d) We find this factual allegation proved. We have been provided with clear written evidence of the caution and Ms Nouri acknowledges that she was so cautioned by the police.

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

We find that factual allegation (b) amounts to unacceptable professional conduct. In breach of part 1 bullet point 2 of the General Teaching Council's 2009 Code of Conduct Ms Nouri failed to take all reasonable steps to ensure the safety and wellbeing of students under her supervision. The evidence in the case has indicated that students were caused distress and Ms Nouri's conduct led to parental complaints. In breach of part 3 bullet point 5 she also failed to communicate clear expectations to the class concerning pupil behaviour in order to ensure minimal disruption and the students feeling safe and secure. In breach of part 8 bullet point 3 Ms Nouri has failed to demonstrate proper understanding of her duty to safeguard the students in her care. For completeness, Ms Nouri has also demonstrated behaviour in breach of the more recent Teachers' Standards, most particularly bullet point 1 sub bullet points 1 and 2 on page 10.

We find that factual allegation (c) amounts to unacceptable professional conduct. This conduct demonstrates a breach of part 8 bullet point 5 of the General Teaching

Council's Code of Conduct as it amounts to a failure to maintain reasonable standards of personal behaviour. Such behaviour fails to uphold public trust and confidence in the profession. For completeness, Ms Nouri has also demonstrated behaviour in breach of the more recent Teachers' Standards, most particularly bullet point 1 sub bullet point 1 on page 10.

We find that factual allegation (d) amounts to conduct which may bring the teaching profession into disrepute. Teachers must uphold good standards of behaviour outside the school as well as inside the school. Teachers are role models to students in relation to all aspects of their behaviour. The various attempts by Ms Nouri to contact Individual B over time would have caused distress to him and his family. Ms Nouri's relevant visit to the church was most likely coincidental. However, to return on a second occasion demonstrates behaviour that is inconsistent with the respect that she should have shown for him and his family's privacy. It is not consistent with the role model behaviour expected of a teacher. Her behaviour will have been perceived poorly in the church community and possibly the local education community.

Panel's Recommendation to the Secretary of State

In this case we recommend the imposition of a Prohibition Order by the Secretary of State.

We form the view that a Prohibition Order would be a proportionate measure in the circumstances of the case. The factual allegations which have been proved form clear departures from the personal and professional conduct elements of the General Teaching Council's 2009 Code of Conduct and more recent Teaching Agency Teachers' Standards. They demonstrate misconduct which effected the education and well-being of students.

The panel is concerned that Ms Nouri has sought to devolve responsibility elsewhere and initially denied the allegations before accepting the truth of some of the facts alleged. This helps the panel reach the view that there is an ongoing possibility of behaviour of this kind recurring which would put children at risk. The panel is conscious of Ms Nouri's status in training and significant inexperience. However, we feel that the misconduct is still a significant departure from the standards to be expected of a trainee teacher. We have not all reached this conclusion but in majority have formed the view that prohibition is a proportionate outcome in this case and the only outcome that ensures that public confidence in the profession is maintained and proper standards of conduct are declared and upheld.

We recommend that Ms Nouri be able to apply for the Prohibition Order to be reviewed after a minimum period of two years.

Secretary of State's Decision and Reasons

I have carefully considered this case and the recommendation of the panel. The panel has found unacceptable conduct in 2 of the allegations and has

found conduct that may bring the profession into disrepute in another allegation.

I have not taken into account any of the allegation where the panel did not find the facts proven.

Ms Nouri has demonstrated that she has not met the standards expected of a teacher, and the panel have recognised that this is the case despite her relative lack of experience.

I have considered the behaviours that have been found in this case and believe that a prohibition order is a proportionate sanction.

I have also considered carefully the recommendation in respect of the review period. I support the minimum two year period recommended.

This means that Ms Asia Nouri is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the Prohibition Order to be set aside, **but not until 2014, 2 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Ms Asia Nouri remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Ms Asia Nouri 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.

NAME OF DECISION MAKER: Alan Meyrick
Date 21 November 2012