

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Shoab Iqbal

Teacher ref no: 0520096

Teacher date of birth: 06/08/1976

TA Case ref no: 9369

Date of Determination: 30 May 2013

Former Employer: Sir George Monoux Further Education College,
Walthamstow

A. Introduction

A Professional Conduct Panel (“the Panel”) of National College for Teaching and Leadership convened on 30 May 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Shoab Iqbal.

The Panel members were Mrs Fiona Tankard (Teacher Panellist – in the Chair), Mr Nicholas Andrew (Lay Panellist) and Mr Michael Lesser (Teacher Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Lapthorn Solicitors.

The Presenting Officer for National College for Teaching and Leadership was Ms Louisa Atkin of Browne Jacobson Solicitors.

Mr Shoab Iqbal was present and was represented by Ms Sue Sleeman, Counsel, instructed by the University and College Union.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 25 February 2013.

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

1. On 10 May 2012, Mr Iqbal was convicted at South Essex Magistrates Court of the offence of Exposure. As a result of this offence, he received a Community Order with an Activity Requirement of 60 days. Mr Iqbal was placed on the

Sex Offenders Register for 5 years and was ordered to pay costs of £135 and compensation of £100.

2. On 10 May 2012, Mr Iqbal was convicted at South Essex Magistrates Court of the offence of Exposure. As a result of this offence, Mr Iqbal received a Community Order with an Activity Requirement of 60 days. Mr Iqbal was ordered to pay two compensation payments of £100.

Mr Iqbal admitted the facts of the allegation and accepts that he has been convicted of a relevant offence.

C. Preliminary Applications

Request for and/or Consideration of Private Hearing

An application was made by the Teacher's Representative for the hearing to be held in private. The application was made in private.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

The Legal Adviser referred the Panel to paragraph 4.56 of the Disciplinary Procedures for the regulation of the teaching profession.

The Panel announced its decision, in public, as follows:

"We have carefully considered the application made on behalf of Mr Iqbal that the case should be held in private. We have considered the submissions of both parties.

We are aware of and support the presumption that hearings should ordinarily be held in public. We have considered the terms of Regulation 11 Teachers' Disciplinary (England) Regulations 2012 and paragraphs 4.56-4.58 of Teacher misconduct – Disciplinary procedures for the regulation of the teaching profession. We note that we are required to announce aspects of our decision in public and that any final decision will also be publicised. We have noted that the alleged convictions, which form the basis of this case, are matters which are likely to already form part of a public record.

We are clear that transparency is a fundamental aspect of professional regulation. Having considered the nature of the case and the allegation, we have decided that it is in the public interest for this case to proceed in public.

We do note that Mr Iqbal may refer to a personal medical issue and other highly personal matters. We are sympathetic to this, and, if it becomes necessary for Mr Iqbal or his representative to refer to those matters during the course of the hearing, we will hear that evidence in private."

D. Summary of Evidence

Documents

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

Section 1	Chronology	Pages 1 - 2
Section 2	Notice of Proceedings & Response	Pages 3 - 10
Section 3	Statement of Agreed facts and representations	Pages 11 - 31
Section 4	National College for Teaching & Leadership Documents	Pages 32 – 123
Section 5	Teacher's Documents	Pages 124 - 146

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

Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Presenting Officer read to the Panel the Agreed Statement of Facts and made submissions to the Panel by way of an opening statement. The Presenting Officer and Teacher's Representative made submissions to the Panel once it had decided that the convictions had been proven and that the convictions were of relevant offences.

Mr Iqbal gave evidence to the Panel. He referred to his statements found at pages 16-20 and 143 -44, which the Panel took as read.

In answer to questions from the Presenting Officer, Mr Iqbal gave evidence relating to the sequence of events which led to his conviction. He stated that he did not intend to shock, harm or distress anybody. He accepted that, now, on reflection, he would not wish to behave in a way which would affect his own family. He referred to his unblemished career and work in a number of different fields. He explained his regret, shame and embarrassment at his actions and how his life has fallen apart. He gave evidence about his reflection of the statements which the victims had given to the police but reaffirmed that that he had checked with them that his state of undress would not cause them offence. He maintained that elements of their evidence were not honest.

With hindsight Mr Iqbal agreed that he should have been more careful and should have considered the potential outcome of the situation - he accepted that he could have done things differently on the day and apologised for his actions. Mr Iqbal gave evidence in respect of life modelling, which he believed is an acceptable pursuit.

He described how he would behave differently now given the impact which his behaviour has had on his life. He maintained that he had received poor legal advice as part of the criminal proceedings, but he felt that it was now more important to move on and to focus on the future.

Mr Iqbal stated that wider issues in his life may have contributed to his conduct.

In answer to questions from the Panel, Mr Iqbal provided additional evidence, in private, relating to personal matters.

E. Legal Advice

Before the Panel went into private session to consider its decision, the Legal Adviser declared the following advice:

1. Under the Disciplinary Procedures for the regulation of the teaching profession, the decision-making process has three stages:
 - (i) The Panel must be satisfied as to the facts of the case.
 - ii) The Panel must be satisfied that those facts amount to having been convicted of a relevant offence; and
 - iii) If having been convicted of a relevant offence is found, then the Panel must consider the previous history and character of the teacher and any mitigating circumstances before deciding whether or not to recommend to the Secretary of State that a Prohibition Order is appropriate.
2. The burden of proving the allegations rests with the Presenting Officer, not with the Respondent Teacher.
3. The standard of proof applied in these proceedings is the civil standard, “on the balance of probabilities”. This means that before finding a factual allegation proved, the Panel must be satisfied that an event is more likely to have happened than not.
4. In relation to any hearsay evidence in this matter, this is admissible in National College of Teaching and Leadership proceedings. The Panel should bear in mind, however, that it has not heard direct oral evidence nor had the opportunity to assess the credibility of the witness or test the evidence in questioning. The Panel should consider treating hearsay evidence with caution and consider carefully what weight it considers can be attached to it.
5. A “conviction, at any time, of a relevant offence” is defined in “The Prohibition of Teachers – DfE advice on factors relating to decision leading to the prohibition of teachers from the teaching profession” as a conviction of an offence that is relevant to a person’s fitness to be a teacher, either by a British Court, or by an overseas court if the offence would constitute a criminal offence if committed in England and Wales.
6. Whether any facts the Panel find proved amount to having been convicted of a relevant offence is a matter for the judgment of the Panel itself, applying this definition.

7. The Panel may have regard to the latest Teachers' Standards as published by, or on behalf of, the Secretary of State.
8. Should the final stage be reached in this matter, then the Panel's attention will be drawn to "The Prohibition of Teachers – DfE advice on factors relating to decision leading to the prohibition of teachers from the teaching profession" in deciding whether to recommend to the Secretary of State that a prohibition order is appropriate.

The Panel should give reasons for its decisions and recommendations at each stage.

F. Decision and Reasons

The Panel announced its decision as follows:

"We have 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. We confirm that we have considered all of the evidence which is relevant to the allegations.

Summary

Mr Shoab Iqbal commenced employment at Sir George Monoux College, Walthamstow as a sports teacher in August 2009. On 10 April 2012, Mr Iqbal was arrested on suspicion of exposure. He had been shopping at the Lakeside Shopping Centre, Essex and at approximately 4 pm Mr Iqbal entered a women's clothing shop. He explained that he worked as a life model and that an artist who he had been due to sit for had asked him to wear particular forms of women's clothing for some pictures. Mr Iqbal had asked a shop assistant to find him a "see-through" top. Mr Iqbal had changed in the changing rooms and, a short time later, asked for help from the assistant. Mr Iqbal was wearing the top, but was naked from the waist down. On the same day, at approximately 7 pm, Mr Iqbal entered a different women's clothing shop. Once again he asked an assistant for help in finding certain clothing. He explained that he was working as a life model and needed to find specific clothing. Mr Iqbal, once again, changed in the changing rooms before subsequently asking an assistant to help him. When the shop assistant met Mr Iqbal in the changing room, he was only wearing the top and was naked from the waist down.

On 10 May 2012 Mr Iqbal was convicted of two counts of exposure at South Essex Magistrates court and was sentenced to a community order of 18 months and was placed on the Sex Offenders Register for a period of five years.

Allegation

The Panel considered an allegation set out on the Notice of Proceedings dated 25 February 2013. It was alleged that you are guilty of having been convicted at any time of a relevant offence, namely:

1. On 10 May 2012, you were convicted at South Essex Magistrates Court of the offence of Exposure. As a result of this offence, you received a Community Order with an Activity Requirement of 60 days. You were placed on the Sex Offenders Register for 5 years and were ordered to pay costs of £135 and compensation of £100.
2. On 10 May 2012, you were convicted at South Essex Magistrates Court of the offence of Exposure. As a result of this offence, you received a Community Order with an Activity Requirement of 60 days. You were ordered to pay two compensation payments of £100.

Findings of fact

Our findings of fact are as follows:

With respect to particulars 1 and 2

We considered all of the evidence which is relevant to these particulars. We considered all of the relevant documentary evidence presented within the bundle.

We have considered the Statement of Agreed Facts which you signed on 17 January 2013. You admit that you were convicted at South Essex Magistrates Court of two offences of exposure.

We have considered the correspondence from Essex police which states that you were convicted of the offences which are alleged in the Notice of Proceedings. In addition, we have considered the witness statements collated as part of the police investigation.

On the basis of the evidence contained within the bundle and your admission, we find the facts of the allegation proven.

Findings as to conviction of a relevant offence

We have carefully considered whether the convictions which we have found proven amount to the conviction of relevant offences. We have noted that you accept that the convictions are of relevant offences.

We have considered the current Teachers' Standards. We are clear that Teachers must uphold public trust in the reputation of the profession and maintain the highest standards of ethics and behaviour within and outside school.

We are satisfied that the offences for which you were convicted have direct relevance to your suitability to be a teacher. In behaving in the way you did, and for which you were convicted, we are satisfied that your behaviour was contrary to the standards of personal and professional conduct expected of teachers and would be likely to have an impact on public confidence in the teaching profession.

We have carefully considered the offences for which you were convicted. We have considered the gravity of the offences carefully and have noted that you are registered on the Sex Offenders Register. We are satisfied that the nature of your conviction falls within the category of serious sexual misconduct.

In all of the circumstances, we are satisfied that your convictions are relevant to your fitness to be a teacher and amount to the conviction of relevant offences.

Panel's Recommendation to the Secretary of State

Given the Panel's findings in respect of Mr Iqbal's conviction of relevant offences, it is 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 making this judgment, the Panel had at the forefront of its deliberations whether a Prohibition Order would be a proportionate measure and in the public interest in relation to the allegations that we have found proven.

Mr Iqbal's actions were deliberate and, we note, that the criminal offence of Exposure requires the offender to have intended to cause alarm or distress. Whilst he denies that he intended to cause alarm or distress, we are not in a position to question or go behind the conviction. We have noted that he admitted his guilt to the charge of Exposure before South Essex Magistrates Court. Whilst Mr Iqbal has stated that he regrets his actions and has reflected on them, we do not believe that he has shown adequate insight into his behaviour and still appears to not accept full responsibility for his actions.

The Panel had reference to the relevant Advice in respect of the public interest considerations which are relevant to this decision. Having done so the Panel found that the public interest considerations, namely, the protection of members of the public, the maintenance of public confidence in the profession as well the need to declare and uphold proper standards of conduct, are relevant to this case. Mr Iqbal's behaviour was deliberate and represents a serious and fundamental departure from the personal and professional conduct elements of the Teachers' Standards.

Notwithstanding the clear public interest considerations that are present, the Panel considered carefully whether or not it would be appropriate and proportionate to recommend the imposition of a Prohibition Order, taking into account the effect that this would have on Mr Iqbal. In this regard, the Panel considered and took particular account of Mr Iqbal's evidence and mitigation. We have listened very carefully to his evidence, much of which he gave in private session. At the relevant time he had a significant personal health concern and was going through a period of personal stress. The Panel has considered the professional testimonials which Mr Iqbal has presented.

Having considered all of these matters carefully, the Panel decided that it is appropriate and proportionate in the circumstances of this case to recommend to the Secretary of State that a Prohibition Order should be imposed on Mr Iqbal 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 given is that a Prohibition Order applies for life, but that there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order.

We have noted that Mr Iqbal has shown a degree of reflection into his actions and we have noted that he admitted his guilt before this Panel, as well as before South Essex Magistrates Court. Mr Iqbal has been open with this Panel and gave evidence candidly about his circumstances. He has presented professional testimonials which are supportive of his ability as a teacher.

In all of the circumstances relevant to this case, we have decided that it would be appropriate and proportionate to recommend that Mr Iqbal should be given the opportunity to apply to review the Order after a period of four years has lapsed. We consider that the period of four years is appropriate because of the seriousness with which we view Mr Iqbal's failure to uphold fundamental expectations of a teacher's behaviour. We do not believe that, given the seriousness of Mr Iqbal's actions, it would be appropriate for any period of review to reflect the minimum timescale and, given the incremental insight which he has shown to date, we consider that four years will give Mr Iqbal a full opportunity to reflect upon the effect which his behaviour has had on the reputation of the profession. A period of four years from today's date is also consistent with the period of time during which he is registered on the Sexual Offenders Register.

Secretary of State's Decision and Reasons

I have given very careful consideration to this decision and to the recommendation of the Panel in respect of sanction and review period.

Mr Iqbal has two convictions for exposure and the Panel has determined that these convictions amount to relevant offences. The public expects teachers to uphold high standards of behaviour both in and outside of school and the behaviours which resulted in these convictions fall seriously short of those expectations. The behaviour also has the potential to bring the profession into disrepute.

I have noted that the Panel gave careful consideration to the personal circumstances set out by Mr Iqbal. I have weighed the public interest and the need to be proportionate. On balance I support the recommendation of the Panel that Mr Iqbal should be prohibited from teaching.

I have also given careful consideration to the matter of a review period. For the reasons given I believe that the period of four years recommended by the Panel provides an appropriate period of time for Mr Iqbal to reflect upon his behaviour and the impact of that behaviour.

This means that Mr Shoab Iqbal 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 7 June 2017, 4 years from the date of this order at the earliest. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Shoab Iqbal remains barred from teaching indefinitely.

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

Mr Shoab Iqbal has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

**NAME OF DECISION MAKER: Alan Meyrick
Date: 31 May 2013**