

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Haroon Ishtiaq
Teacher ref no: 0975645
Teacher date of birth: 10 November 1980
TA Case ref no: 9184
Date of Determination: 12 February 2013
Former Employer: Halifax High at Wellesley Park

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 12 February 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Haroon Ishtiaq

The Panel members were Ms Jean Carter (Lay Panellist - in the Chair), Mr Tapan Debnath (Lay Panellist) and Mrs Marion May (Teacher Panellist).

The Legal Adviser to the Panel was Ms Eve Piffaretti of Morgan Cole LLP Solicitors.

The Presenting Officer for the Teaching Agency was Louisa Atkin of Browne Jacobsen Solicitors.

Mr Haroon Ishtiaq 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 4 September 2012

It was alleged that Mr Haroon Ishtiaq was guilty of unacceptable professional conduct, in that he:

1. Failed to maintain appropriate professional boundaries in his behaviour towards students, in that he;
 - a. gave money to Student A;
 - b. gave gifts to students, including to Student B and Student C;
 - c. engaged in inappropriate communications with students, in that he exchanged text messages with them;

2. Failed to comply with the school's 'Protecting & Safeguarding Children' Policy;
3. Failed to co-operate with the school's investigation, in that he;
 - a. attempted to withhold information from the Investigating Officer;
 - b. and in doing so, acted dishonestly;
4. Breached the terms of your suspension by contacting colleagues other than his named point of contact.

Mr Ishtiaq did not admit the facts of the allegations and did not admit unacceptable professional conduct.

C. Preliminary Applications

Proof of Service and Proceeding in the Absence of the Teacher

The Presenting Officer applied to proceed with the case in the absence of Mr Ishtiaq.

Ms Atkin referred the Panel to the Notice of Proceedings dated 4 September 2012 (contained at page 4 – 6 of the case papers). She confirmed that this Notice was sent to Mr Ishtiaq's last known address at that time. The Presenting Officer confirmed that a letter was sent to Mr Ishtiaq dated 21 November 2012 indicating that the matter had been postponed, at his request due to the ill-health of his father and to enable him to prepare his case. A further letter dated 14 January 2013 was sent to Mr Ishtiaq to indicate a change to the Panel. He had not responded to any of this correspondence. Mr Ishtiaq had been in Email correspondence with the Teaching Agency and the Presenting Officer, in which he had confirmed that he was aware of the hearing.

The Presenting Officer submitted that the Panel could be satisfied that the requirements of Regulation 4.10 of the Disciplinary Procedures had been complied with. She submitted that being the case, the Panel should consider exercising their discretion to proceed with the Hearing in Mr Ishtiaq's absence. He was aware that the case could proceed in his absence. Mr Ishtiaq had requested a further postponement of the hearing in an Email dated 6 February 2013 and given the reason that he was out of the country, due to his father's ill health. The Presenting Officer objected to this request. She submitted that the Teaching Agency had requested documentary evidence to verify that Mr Ishtiaq was abroad and to confirm his father's ill-health. Mr Ishtiaq had submitted an e-ticket receipt in a word document format and a list of medication, without patient identification details. The e-ticket receipt contained a spelling mistake and indicated that Mr Ishtiaq had travelled on the 31 January 2013 and was due to return on 10 April 2013. The Presenting Officer submitted that the information provided was not sufficient to establish that Mr Ishtiaq did need to be out of the country. She questioned the veracity and provenance of the documents and the reasons for postponement put forward. It appeared from Mr Ishtiaq's communications that his father was in a mosque/clinic rather than a medical facility. No telephone number for the facility has been provided. Mr Ishtiaq had not contacted the Teaching Agency to inform them that he may be travelling abroad. The Teaching Agency had made every effort to enable Mr Ishtiaq to participate in the

hearing by offering to pay for a video / telephone conferencing. These offers had not been taken up.

The Panel should consider the fairness of the proceedings and the interests of Mr Ishtiaq but also the interests of the Teaching Agency in proceeding without further delay, given the case has already been the subject of one postponement. A witness had attended and the incident needed to be resolved in the interests of all the parties concerned.

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

1. The Panel must be satisfied that the Notice of Proceedings had been properly served on Mr Ishtiaq at his last known address in accordance with Regulation 4.10 and contained all the information specified in that Regulation.
2. If the Panel was satisfied that Regulation 4.10 had been complied with, it had discretion to hear the case in the absence of Mr Ishtiaq. In exercising that discretion the Panel must proceed with great care and caution and with close regard to the overall fairness of the proceedings. Fairness to Mr Ishtiaq was of prime importance but fairness to the Teaching Agency and the requirement for the proper regulation of the profession should also be taken into account.
3. The Panel should also have regard to the specific guidance given in the cases of *R v Jones* and *Tait v The Royal College of Veterinary Surgeons*. In particular the Panel must take into account the following:-
 - a. The seriousness of the case against Mr Ishtiaq and the fact that he may be at risk of losing his livelihood.
 - b. The risk of reaching the wrong conclusion about the reason for his absence today.
 - c. The risk of reaching the wrong conclusion on the merits of the case as a result of not hearing Mr Ishtiaq's version of events and the extent of the disadvantage to the absent Teacher.
 - d. The nature and circumstances of Mr Ishtiaq's behaviour in absenting himself and in particular whether the behaviour was voluntary and so whether he had plainly waived his right to be present. In that regard the Panel was referred to the response from Mr Ishtiaq which had been received by the Teaching Agency.
 - e. Whether an adjournment would resolve the matter and the likely length of such an adjournment. The Panel was reminded that there was no power to compel a reluctant Teacher to attend on any future date.
 - f. Whether Mr Ishtiaq although absent, wished to be present or represented but was unable to be present, and whether he was seeking an adjournment.

- g. The effect of any further delay in this case on the memories of the witnesses involved.
- h. The Panel should balance against those considerations the general public interest, the proper regulation of the profession and the protection of the public and the need for Teaching Agency hearings to take place within a reasonable time.

The Panel announced its decision and reasons for that decision as follows:

We are asked to consider whether this case should proceed in the absence of the Teacher, Mr Ishtiaq.

We are satisfied that the Notice of Proceedings was properly served in accordance with Regulation 4.10 and contains the information required by that Regulation. The Notice of Proceedings, exhibited at Pages 4 to 6 of the case papers, was sent on 4 September 2012 to Mr Ishtiaq's address at that time. On 3 October 2012 Mr Ishtiaq requested a postponement of the initial hearing date set for 2 November 2012 to afford him additional time to prepare, as he had been abroad due to his father's ill health. This request was granted. On 21 November 2012 a letter was sent to Mr Ishtiaq, at his latest address, confirming that the hearing had been rescheduled for 12 February 2013. We also note from the contents of Mr Ishtiaq's Emails that he is aware that the hearing is taking place today.

We are therefore advised that we have the discretion to hear the case in the absence of Mr Ishtiaq but should proceed with great care and caution and with close regard to the overall fairness of the proceedings.

We have accepted the legal advice provided and we have decided that this case should proceed today.

Our reasons are:

Mr Ishtiaq has acknowledged in his Emails that he is aware that the hearing is due to take place today. We are satisfied that Mr Ishtiaq has chosen not to attend and that his actions in doing so are deliberate.

Mr Ishtiaq has requested a further postponement because he is out of the country, due to his father's ill health.

We have considered Mr Ishtiaq's explanation set out in Email correspondence and documents he has provided in support, being an extract from an unnamed medication record and an e- ticket. We are not satisfied as to the provenance of these documents. Mr Ishtiaq has not provided an independent medical report substantiating his father's illness or the reason that he needed to be abroad with him.

We also noted that Mr Ishtiaq did not contact the Teaching Agency in advance of his departure from the UK, on the 31 January 2013, to request a postponement of the hearing. His request for a postponement was made following communications sent to him by the Teaching Agency, at a time when he had already left the UK.

We are therefore satisfied that Mr Ishtiaq's behaviour in absenting himself is deliberate and that he has waived his right to be present.

The Teaching Agency has a witness in attendance today. We also noted that Mr Ishtiaq has been afforded every opportunity to participate in today's hearing by the Teaching Agency, including an offer for him to participate via video-link or by telephone call at the Teaching Agency's expense. He has not taken advantage of these opportunities.

We have a duty to the public, the profession and indeed Mr Ishtiaq himself to deal with cases as this within a reasonable time frame. In making that decision we recognise that we will not have the advantage of considering Mr Ishtiaq's version of events. We will endeavour to ensure that the Teaching Agency's case is tested as a consequence, with due regard to the overall fairness of the proceedings and the seriousness of the case against Mr Ishtiaq.

D. Summary of Evidence

Documents

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

- *Section 1: Anonymised Pupil List, with page numbers from Page 2.*
- *Section 2: Notice of Proceedings and Response with page numbers from 3a to 6.*
- *Section 3: Witness Statements, with page numbers from 8 to 13.*
- *Section 4: Teaching Agency Documents, with page numbers from 15 to 124.*
- *Section 5: Teacher's Documents, with no pages.*

In addition, the Panel accepted Email correspondence from Mr Ishtiaq to the Teaching Agency and Presenting Officer in relation to postponement, in eight bundles, with page numbers 126 to 176

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.

Witness A

The Presenting Officer called Witness A, the Deputy Head Teacher of the School throughout the material time. Witness A confirmed that the content of his Witness Statement (pages 8 to 13 of the case papers) was true to the best of his knowledge and belief. The witness statement was taken as read. Witness A in oral evidence, stated that:

- Interviews with Student A, Student C, Student D and Individual A, Year Manager for Year 10 were taped on an electronic Dictaphone. The transcripts were prepared from the recordings by Witness A's personal assistant.
- The note of investigatory meeting with Mr Ishtiaq was taken contemporaneously by Individual B, from Human Resources. Following the meeting, those notes were sent out to Witness A and Individual B for checking. They were then emailed to Mr Ishtiaq to ask for him to confirm their contents as an accurate record. Mr Ishtiaq had confirmed that they were.
- Witness A prepared his Management Statement of Case (at pages 66-76 of the case papers) with the supporting guidance of the School's Human Resources team.
- Student A had some behavioural issues outside the school environment. In school he was a manageable student. Student A was a sincere and genuine student and had been unusually upset about Mr Ishtiaq's conduct. Witness A had no concerns as to Student A's truthfulness.
- Student C was well liked by staff and he had no concerns about her truthfulness.
- Mr Ishtiaq's classroom was not far from Witness A's office. Mr Ishtiaq's performance in the classroom was good.
- Mr Ishtiaq was new to the profession and had participated in extra-curricular activities for the school.
- Witness A questioned Mr Ishtiaq during the investigatory meeting. He admitted the buying of gifts for Student B and C. In relation to text and phone calls, he admitted communication with Students A, D and E. He asked if there were any more communication with students and Mr Ishtiaq had said 'no' and, when challenged, his body language in the meeting changed. He put his head in his hands and Witness A called for a further adjournment to the meeting. On his return, Mr Ishtiaq indicated that he was now going to tell the truth. He admitted phone and text contact with seven students and gave different explanations for the gifts given to Students B and C.
- Mr Ishtiaq admitted that he had breached the School's Protecting and Safeguarding Children Policy. He admitted that he had been in contact with seven students via text messages and mobile phone. He had been on a school trip and not used the school mobile phone or handed in the SIM that he had used which had resulted in students contacting him outside School. He admitted that a student had been in his car during the School holidays.
- Students A and C's emotional wellbeing had been compromised by Mr Ishtiaq and this was a key breach of the school policy. Mr Ishtiaq had the opportunity throughout to have reported matters of concern or to speak to other members of staff about what was happening and had failed to do so, despite having received Safeguarding training.
- If student property such as a mobile phone was damaged in school by a teacher, this should be reported in school who would arrange for a replacement.

- The suspension letter sent to Mr Ishtiaq was clear in that in no circumstances should he have made contact with colleagues.
- Mr Ishtiaq had driven from Manchester to Halifax, some 33 miles and an hour-and-a-half round trip, to deliver some samosas to the Head of Year 10.
- Individual A received text messages from Mr Ishtiaq whilst he was suspended.
- The Safeguarding Policy at pages 83-89 of the case papers was in force at the time of Mr Ishtiaq's conduct. This policy is reviewed annually and Mr Kay, as a member of the Senior Leadership Team, was involved in meeting when the policy was ratified.

In answer to the Panel's question, Witness A stated:-

- About 30% of the students at the School were eligible for the free school meals in 2012.
- The School is located on the Duke of Wellington Barracks and moved there in 2005. There are 800 pupils, 75 teaching staff and 62 support staff.
- The School is doing very well and its level of progress has been very good, outstripping the local Grammar School.
- The School is organised into Faculties and managed by a Senior Leadership Team. Each Faculty had a Head. The Head of Science was supported by a Deputy Head and linked to the Senior Leadership Team. There were six other Science teachers within that Faculty.
- The School's Reward System was an online system. Students would get rewards for a variety of reasons, for example, making the right choices or doing a good piece of work. These were logged onto a website and could be either exchanged immediately or saved up to get interest. The points were traded in for items from a catalogue.
- Penalty points were awarded by Staff and others as a consequence of making wrong choices.
- The Reward System was such that once earned, rewards could not be removed. Staff could access the penalty points and remove them.
- Behaviour at the School is re-visited regularly and good behavioural attitude was reinforced at a whole school Assembly every half-term.
- All staff received Safeguarding training, delivered by the online Hayes programme. This training included an assessment at the end which staff had to complete and pass or else they would have to re-do the online training course. Whole-School meetings were regularly held with Safeguarding training. The School had a Safeguarding Team, made up of 12 people from a range of different areas, including Support Staff. Details of the Safeguarding Team were on displayed in every classroom.
- Mr Ishtiaq started working at the school in September 2010 and was a newly-qualified teacher. He had a mentor throughout his newly-qualified teaching year.

- He took trips to Drayton Manor and Alton Towers in the Summer term of 2011. Witness A outlined the School's policy pre-planning and attending school trips. These had to go through a process of approval with the Head Teacher with an electronic risk assessment being produced with the support of the designated member of Staff.
- There is no requirement for members of staff to take the school mobile phone on school trips but it is available to Staff if they need it.
- The school were keen for staff to be proactive in organising school trips and support this.
- Witness A did not accept that Students A or D had pressurised Mr Ishtiaq to provide them money.
- Witness A did not accept that threats had been made against Mr Ishtiaq by any students.
- Mr Ishtiaq was provided with support during his second year of teaching and thus he had concerns in relation to student behaviour or his response so that he should have sought support from the Safeguarding Team.

Closing submissions by the Presenting Officer

- The Panel had heard oral evidence from Witness A and had to consider the hearsay evidence that he referenced which was also included in the case papers. This evidence was admissible and the question was the weight that the Panel attached to it. Witness A had confirmed with the provenance and accuracy of some of documents including the note of investigatory meeting with Mr Ishtiaq when admissions were made by him. The admissions made during that meeting were relevant to the allegations related to 1b, 1c, 2 and 4.
- In relation to allegation 1a, Witness A had no concerns about Student A's truthfulness. He was sincere and genuine in his account. By contrast, Witness A described that the demeanour of Mr Ishtiaq during the investigatory meeting had worried him in that, on returning from an adjournment, he had indicated that he was now prepared to tell the truth. He initially denied having made contact with student C, which he then subsequently admitted. He had given Student C two watches for a different reason to that initially provided, being that it was for achievement. This raised doubt as to Mr Ishtiaq's credibility as a witness.
- In relation to Allegation 2, Mr Ishtiaq admitted that he had received Safeguarding training and was aware of the school policy. Both Student A and C's emotional wellbeing had been compromised by Mr Ishtiaq's behaviour. He had not sought advice when he had concerns because he was hoping it would all blow over. When asked about his behaviour towards Student A, he accepted that it was not appropriate for a teacher in a position of trust. The aims of the school's policy and what staff should do if they had concerns were clear. Mr Ishtiaq had failed to act in accordance with that Policy.
- In relation to Allegation 3, Witness A had described that when Mr Ishtiaq was challenged at the investigatory meeting about contact with Student C he put

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his head in his hands and following a short adjournment returned saying that he would tell the truth. The note of the investigatory meeting showed that prior to this point Mr Ishtiaq had withheld information which he subsequently provided. It was submitted that the test for dishonesty had been satisfied in that, by accepting that he had not told the truth, Mr Ishtiaq had fallen below the standard of the ordinary and reasonable man in acting dishonestly and that he must have known at that time and did, by what he said, demonstrate that he knew that what he was doing was dishonest.

- In relation to Allegation 4, the suspension letter was clear in stating that Mr Ishtiaq should not contact other members of staff. He admitted that he had contacted staff and this was confirmed by Individual A in his meeting with Witness A.
- Unacceptable professional conduct was a matter for the Panel's judgment but relevant considerations in this case included that Witness A had indicated that Mr Ishtiaq's behaviour impacted on the emotional wellbeing of students. Mr Ishtiaq had failed to report his concerns despite recognising the problem. He thought that it would blow over because he was fearful of disciplinary action. He had breached his suspension and that was a breach of trust given that the instructions in his suspension letter had been quite clear.

E. Decision and Reasons

The Panel announced its decision 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.

Mr Ishtiaq was employed as a teacher at Halifax High at Wellesley Park ("the School") between September 2010 and 24 February 2012.

The case relates to Mr Ishtiaq's alleged failure to maintain appropriate professional boundaries with students and to follow the policies and procedures at the school. On 19 January 2012 a Year 11 student, Student A approached member of staff at the school in relation to his concerns about Mr Ishtiaq. The Head Teacher was subsequently informed and due to the seriousness of the allegations the Local Authority's Schools Safeguarding Team and the Police were informed. An investigation was carried out by the school during which Mr Ishtiaq was suspended from duty.

Mr Ishtiaq tendered his resignation with immediate effect from 24 February 2012 during the School's disciplinary process and did not attend the subsequent disciplinary hearing.

He was informed that his resignation would not halt the disciplinary process and any subsequent referral to the Teaching Agency's predecessor organisation, the General Teaching Council for England ("GTC"). The School Governing Body's Staff Discipline

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allegations against Mr Ishtiaq proved and considered that his actions amounted to gross misconduct for which he would have been summarily dismissed had he not already resigned. Mr Ishtiaq was referred to the GTC by the school on 15 March 2012. His case was outstanding when the GTC was abolished and has since been referred to this Panel.

Mr Ishtiaq was not present at the Teaching Agency hearing. We have given separate written reasons why we decided to proceed with the hearing in his absence.

Findings of fact

We have heard evidence from Witness A, the Deputy Head Teacher of the school. Mr Ishtiaq did not give evidence before us but we carefully considered the hearsay evidence from him that appears in the case papers.

We have made the following findings of fact.

1. Failed to maintain appropriate professional boundaries in his behaviour towards students, in that he:

a. gave money to Student A;

We find this proved. We accepted the oral evidence of Witness A and considered him to be a credible witness. He referred to his interview with Student A and confirmed that the interview notes of his meeting with Student A (at pages 16 to 27 of the case papers) were an accurate account of that meeting. We also noted the contents of Witness A's interview meeting note with Student D, (at pages 44 to 54 of the case papers) which also refers to Mr Ishtiaq giving money to Student A. Witness A described Student A as a sincere, genuine and a vulnerable student. We noted that Student A had given a consistent account since first reporting this matter to a member of staff on 19 January 2012. On the balance of probabilities, we prefer Student A's version of events and are satisfied that Mr Ishtiaq gave money to Student A.

b. gave gifts to students, including to Student B and Student C;

We find this proved. We accepted the oral evidence of Witness A. Mr Ishtiaq admitted that he had given gifts to students, including Student B and C at the investigatory meeting held on 6 February 2012. We noted in particular that Mr Ishtiaq admitted that he had given Student C two watches and a personalised iphone 4 and Student B an ipod touch.

Witness A again referred to his interview meeting with Student C. He confirmed that the interview notes of this meeting, (at pages 28 to 36 of the case papers) were an accurate account of that meeting. Witness A also referred to his conversation with Student B during which she confirmed that Mr Ishtiaq had replaced her broken ipod. Individual A, Year Manager for Year 10 also confirmed, during his interview with Witness A, that Student C had reported to him that Mr Ishtiaq had given her a personalised pink iphone and gave this to Individual A.

c. engaged in inappropriate communications with students, in that he exchanged text messages with them;

We find this proved. We again accepted Witness A's oral evidence

We also took into account that Mr Ishtiaq admitted during the course of his investigatory meeting that *"during the course of last year-end of academic year 2011- he had been in text or telephone contact with 7 students using the same SIM card"*. He then admitted that *"he might have rung Student C from his own mobile SIM."* (at pages 60 to 61 of the case papers). We noted that there was evidence in the case papers from Students A, C and D that Mr Ishtiaq had exchanged texts with them.

2. Failed to comply with the school's 'Protecting & Safeguarding Children' Policy:

We find this proved. Mr Ishtiaq admitted that he failed to comply with the School's Safeguarding Policy and at his investigatory meeting stated that he had made *"a huge error in terms of safeguarding, I put my hands up"*.

We accepted Witness A's oral evidence in relation to Mr Ishtiaq's admission. Witness A told us that the School's Safeguarding Team consisted of 12 members of staff. He stated that Mr Ishtiaq had plenty of opportunity to talk to or report matters to one of the Safeguarding Team but failed to do so. Witness A expressed concern that the emotional wellbeing of Student's A and C, in particular, was compromised by Mr Ishtiaq's behaviour.

We were provided with a copy of the School's "Protecting & Safeguarding Children Policy and consider that Mr Ishtiaq has failed to comply with it. We are satisfied that Mr Ishtiaq was aware of the School's policy and had completed training which included on-line "Hays" training and whole school training.

We noted in particular that in relation to his behaviour towards Student A, Mr Ishtiaq admitted that this was not appropriate for a teacher in a position of trust (at page 59 of the case papers); when questioned from a safeguarding point of view as to whether the gifts of an iphone, ipod and watches, was inappropriate behaviour Mr Ishtiaq replied that it was (at page 61 of the case papers); and he further accepted that it was inappropriate to have a student in his car in the context described (at page 58 of the case papers).

3. Failed to co-operate with the school's investigation, in that he:
a. attempted to withhold information from the Investigating Officer;
b. and in doing so, acted dishonestly

We find both 3a and 3b proved. We accepted the oral evidence of Witness A. He described that during the investigatory meeting on 6 February 2012 (in particular at page 60 of the case papers). Mr Ishtiaq's demeanour changed when confronted with the students' accounts. Witness A described Mr Ishtiaq as putting his head in his hands and that, following an adjournment of

the meeting, he returned stating that *“he had decided to be straightforward, tell the truth and that he had to be strong and say what had happened”*. Prior to this Mr Ishtiaq had denied any other instance of contacting students via mobile phone other than Student A and D and when asked again about this confirmed that Student E had texted him and he had texted back. On returning he admitted that he had in fact been in contact with 7 students and that he had called Student C from his personal mobile phone.

We are satisfied that Mr Ishtiaq attempted to withhold information from the investigation. His actions were dishonest by the ordinary standards of reasonable and honest people and further we are satisfied that Mr Ishtiaq realised at the time that what he was doing was by those standards dishonest. This is evidenced by the comments that he made on returning to the investigatory meeting, in that he stated to Witness A that *“he had decided to be straightforward and tell the truth.”*

4. Breached the terms of your suspension by contacting colleagues other than his named point of contact.

We find this fact proved. We accepted the oral evidence of Witness A, which is supported by the letter of suspension dated 20 January 2012 (at page 15 of the case papers). This letter sets out in clear terms that Mr Ishtiaq must not contact any of his work colleagues during the period of his suspension. Mr Ishtiaq admitted that he had breached his suspension during his investigatory meeting (in particular at pages 62 and 63 of the case papers) and accepted that his behaviour had compromised his position within the work setting and was inconsistent with good practice. We also noted the content of the interview meeting notes with Individual A (at page 42 of the case papers).

Findings as to Unacceptable Professional Conduct

The Panel has carefully considered the GTC Code of Conduct for Registered Teachers (2009). We are satisfied that Mr Ishtiaq was in breach of Principle 1 (Putting the wellbeing, development and progress of children and young people first) and Principle 8 (Demonstrating honesty, integrity and upholding public trust and confidence in the teaching profession). We are also satisfied that Mr Ishtiaq breached Teacher Standards and namely, part two Personal and Professional Conduct.

In particular, he has failed to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils well being, in accordance with statutory provisions

We are satisfied that the conduct of Mr Ishtiaq fell seriously short of the standards of behaviour expected of the profession and bring the teaching profession into disrepute.

Accordingly, we are satisfied that Mr Ishtiaq is guilty of unacceptable professional conduct.

Panel's Recommendation to the Secretary of State

We have taken into account and considered the mitigating factors in this case including that Mr Ishtiaq was a newly qualified teacher, lacking in experience.

In deciding whether to recommend the imposition of a Prohibition Order to the Secretary of State we have to consider the issue of the public interest and proportionality. We have carefully considered the relevant factors set out in the guidance on the Prohibition of Teachers.

We have decided to recommend that the Secretary of State should make a Prohibition Order in the public interest in this case. We are satisfied that this is a proportionate sanction.

Mr Ishtiaq's behaviour was incompatible with being a teacher for the following reasons:

- A grave feature of this case was that Mr Ishtiaq abused his position of trust thereby affecting the emotional well-being of students. His conduct represented a serious failure to observe professional boundaries, which apply between teacher and student.
- We did not have evidence of insight on Mr Ishtiaq's part into the need to maintain professional boundaries with students.
- Mr Ishtiaq's conduct continued over period of time although he realised that what he was doing was wrong.
- Mr Ishtiaq's conduct was dishonest. There was a deliberate attempt by Mr Ishtiaq to withhold information from the investigation and to deny responsibility for his actions.

In short this case involved a serious departure from the personal and professional standards expected of a teacher and we recommend the imposition of a Prohibition Order.

We considered carefully whether we should make a recommendation as to the period of time when Mr Ishtiaq may apply for the Prohibition Order to be set aside. Having regard to the seriousness of Mr Ishtiaq's conduct which we have found proved, we have decided that such a right should be denied.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation of the Panel.

This is a serious case in which Mr Ishtiaq has been found to have abused his position of trust with students. Moreover the Panel heard evidence that his behaviour did have a direct impact on the emotional well-being of students.

In addition to this finding, the Panel has also found that Mr Ishtiaq was dishonest in the account that he gave to the investigation, and that he did not shown any insight into his behaviour.

Mr Ishtiaq's behaviour continued over a period of time.

For these reasons I support the recommendation of the Panel that Mr Ishtiaq is prohibited from teaching.

I have also given careful consideration to the recommendation of the panel that Mr Ishtiaq has no review period. Although Mr Ishtiaq was a relatively new teacher, his behaviour is so serious, that coupled with his lack of insight and his dishonesty, I also support the recommendation that there should be no review period.

This means that Mr Haroon Ishtiaq is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Haroon Ishtiaq shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Haroon Ishtiaq 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: 13 February 2013