



Teaching
Regulation
Agency

Ms Fahmida Aziz: Professional conduct panel outcome

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

February 2020

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	8
Documents	8
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	17

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

Teacher:	Ms Fahmida Aziz
Teacher ref number:	1070584
Teacher date of birth:	2 June 1992
TRA reference:	17568
Date of determination:	14 February 2020
Former employer:	Bigland Green Primary School, London (“the School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 - 14 February 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Ms Aziz.

The panel members were Mrs Ann Walker (former teacher panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Dr Angela Brown (lay panellist).

The legal adviser to the panel was Mr Prem Thakor of Eversheds Sutherland (International) LLP solicitors.

The presenting officers for the TRA were Ms Sherelle Appleby on the first day of the hearing and Mr Ian Perkins on the second day of the hearing, both of Browne Jacobson solicitors.

Ms Aziz was not present and was not represented.

The hearing took place in public, except for some parts of the hearing which took place in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 18 December 2019.

It was alleged that Ms Aziz was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at the School:

1. On or around 6 May 2016 she committed an act of shoplifting, for which she subsequently received a penal notice;
2. She provided false and/or misleading information, and/or failed to disclose relevant information to the School including:
 - a. where she was residing on one or more occasions between June 2014 and January 2018;
 - b. with respect to the penal notice she received as set out at allegation 1 above;
 - c. by failing to inform the School that a member of her household:
 - i. had been convicted of a sexual offence on or around 3 August 2015;
 - ii. was named on the Sex Offender Register;
 - d. within an application for special leave on or around 19 June 2014 by stating that the reason for her request was to attend court, which was untrue;
3. Her conduct as may be found proven at allegation 2 was dishonest and / or lacked integrity;
4. Her conduct as may be found proven at allegation 2(c) was contrary to the applicable *'Keeping children safe in education: childcare disqualification requirements – supplementary advice'*.

In the absence of / non-response from Ms Aziz, the allegations, including those relating to unacceptable professional conduct and / or conduct that may bring the profession into disrepute, were treated as not admitted.

Preliminary applications

The presenting officer applied to admit documents evidencing further attempts to contact Ms Aziz at addresses where she was known to have resided in the past / had connections to. These documents included letters sent to four postal addresses and an email confirming that an email sent to Ms Aziz's 'hotmail' account had been rejected. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion

of the panel. The panel took into account the representations from the presenting officer to the admission of the documents. The panel exercised caution in exercising this discretion given that it might determine to proceed with the hearing in the absence of the teacher.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case as they provided further information to the panel regarding attempts to contact Ms Aziz in relation to the hearing.

The panel also considered whether the hearing should continue in the absence of the teacher.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19(b) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"). The panel noted that in accordance with paragraph 19(b) of the Regulations, the notice of proceedings had to be sent to or left at Ms Aziz's last known address. The panel acknowledged that it was difficult to confirm Ms Aziz's last known address as the evidence contained within the bundle indicated that she had resided at a number of different locations in the preceding years. The panel therefore exercised caution and went to great lengths to ascertain why the notice of proceedings had been sent to the address specified in the notice of proceedings ("the Address"), when other evidence in the bundle suggested that Ms Aziz may have been evicted from the Address in 2014. The panel also acknowledged that there was evidence in the bundle that confirmed that the bundle sent to the Address had been returned undelivered.

The panel heard submissions from the presenting officer who confirmed that the notice of proceedings had been sent to the Address because it was Ms Aziz's last known address. The presenting officer explained that various attempts had been made to ascertain Ms Aziz's last known address including: telephone calls and emails to a hotel where Ms Aziz may have been resident and telephone calls and email correspondence with an officer at the Metropolitan Police who was actively searching for Ms Aziz (but could not locate her).

The panel was also informed that an 'intelligence' division within Browne Jacobson had conducted tracer reports on Ms Aziz to confirm her last known address. The presenting officer explained that these tracer reports were confidential and could not be disclosed, but stated that she was able to provide a summary of the most recent report, conducted on 31 January 2020. The panel noted that this report was produced after the notice of proceedings had been sent to the Address, but was informed that this was a 'fail safe' and that previous intelligence indicated that the Address was Ms Aziz's last known address. The presenting officer explained that although there was evidence within the

bundle of other addresses where Ms Aziz may have been resident, including addresses post-dating the Address, the tracer report confirmed that Ms Aziz was 'last linked' to the Address as of June 2019. The panel questioned whether Ms Aziz had been 'linked' to any of the other addresses within the bundle after this date, but the presenting officer confirmed that the report did not disclose any other addresses which post-dated June 2019.

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel acknowledged that significant effort had been made to contact Ms Aziz including numerous letters to various addresses associated with Ms Aziz and numerous emails to Ms Aziz's Yahoo email account. The panel noted the presenting officer's comments that it was possible that Ms Aziz was fully aware of the proceedings, but was choosing not to participate. Equally, the panel recognised that it was also possible that this was not the case. It also acknowledged the other attempts to locate Ms Aziz, as referred to above. The panel therefore considered that Ms Aziz had waived her right to be present at the hearing.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. The panel acknowledged that there was no indication that an adjournment might result in the teacher attending a hearing at a future date.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel noted that a witness relied upon by the TRA was being called to give evidence and that the panel could test that evidence in questioning, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it and noted that should such gaps arise during the course of the hearing, the panel could take such gaps into consideration in considering whether the hearing should be adjourned for such

documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel noted that there was a witness present at the hearing, who was prepared to give evidence, and that it would be inconvenient for them to return again.

The panel had regard to the seriousness of this case noting that the allegations contained potential safeguarding implications for pupils, and weighed this against the potential consequences for the teacher. However, it considered that by taking such measures referred to above to address any unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witness; that on balance, these were serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of the hearing continuing.

In addition to the above applications, the panel received advice from the legal adviser regarding the wording used at allegation 2, as the stem of allegation 2 referred to the word "including", rather than "namely" or "specifically". The panel noted that pursuant to paragraph 4.56 of the Procedures, it had the power to, in the interests of justice, amend an allegation or the particulars of an allegation at any stage before making its decision about whether the facts of the case had been proved. The panel considered allegation 2 to be sufficiently particularised for the defence to be able to address matters pertaining to the stem of the allegation and therefore decided to proceed on the basis of the wording in the notice of proceedings.

The panel also considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from part of the hearing if it became necessary to do so during the course of the hearing. This point was raised by the panel (rather than the presenting officer).

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered it reasonable to go into private session when necessary and in particular, where it had concerns about confidential matters relating to the teacher's personal life and history being placed in the public domain.

Summary of evidence

Documents

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

Section 1: Correspondence and contact attempts – pages 2 to 29

Section 2: Teaching Regulation Agency witness statements – pages 31 to 40

Section 3: Teaching Regulation Agency evidence – pages 42 to 147

In addition, the panel agreed to accept further documents evidencing the TRA's attempts to contact Ms Aziz. These documents were paginated with page numbers 148 to 156.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from [REDACTED] ("Witness A").

Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Aziz began working at the School as a newly qualified teacher in January 2014 on a temporary contract. She was made a permanent teacher in September 2015 and remained a teacher until her dismissal in April 2018.

After October 2017 the School became aware of information which led them to question Ms Aziz's suitability as a teacher. Specifically, the School became aware that Ms Aziz had received an undisclosed penalty notice and that she had failed to disclose other relevant information.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against Ms Aziz proved, for these reasons:

- 1. On or around 6 May 2016 she committed an act of shoplifting, for which she subsequently received a penal notice;**

The panel had sight of a MAPPA (multi-agency public protection arrangements) information sharing document, dated 14 February 2018, which had been provided by the Metropolitan Police. The document confirmed that on 6 May 2016, police were called to a Tesco store where a shoplifter had been detained after attempting to steal a ready meal and some coconut milk. The document recorded the name of the individual detained as Fahmida Aziz and indicated that Ms Aziz had admitted to stealing the items at the time. It also confirmed that Ms Aziz was cautioned for the offence and given a penalty notice for disorder as she had no previous convictions for theft.

Therefore, the panel found allegation 1 proven.

2. She provided false and/or misleading information, and/or failed to disclose relevant information to the School including:

a. where she was residing on one or more occasions between June 2014 and January 2018;

The panel was provided with a range of evidence which suggested that Ms Aziz had provided false and/or misleading information regarding her place of residence between June 2014 and January 2018.

In his oral evidence Witness A stated that it was the School's policy that teachers inform the School of their address for legal, health and safety and communication purposes. The panel had sight of a 'request for special leave of absence' document that Ms Aziz submitted in or around December 2017. In the request Ms Aziz sought paid leave on 9 January 2018 to move house.

Witness A explained that, at the time, he had been speaking to the police. He explained that the police had contacted him to try to locate Ms Aziz, as the police wished to speak with her and were having difficulty identifying her address. Witness A explained that as a result of these conversations with the police, it became clear that Ms Aziz had failed to provide correct information in relation to her home address. This was because the addresses she had provided to the School differed from those provided to the police. Witness A explained that Ms Aziz would often provide previous addresses rather than current addresses and noted that there was evidence within the bundle, namely documents and emails provided by the Metropolitan Police, which confirmed that Ms Aziz had been resident at different addresses to those provided to the School.

The panel also had sight of a memo issued by Witness A on 8 January 2018 reminding staff of their legal duty to "ensure that any changes in their details (e.g. name, address, telephone number, email, next-of-kin, or other information held by the school) are communicated to the school in writing immediately".

Whilst the panel acknowledged that there could have been valid reasons why Ms Aziz's residence information was not updated, it concluded, on the balance of probabilities, that

Ms Aziz had provided false and/or misleading information, and/or failed to disclose relevant information to the School in relation to her address.

The panel therefore found allegation 2(a) proven.

b. with respect to the penal notice she received as set out at allegation 1 above;

The panel had sight of a declaration form signed by Ms Aziz on 19 January 2015 in which Ms Aziz confirmed that she understood that she “must notify the headteacher (or an SLT member in his absence) of Bigland Green Primary School immediately of anything that affects [her] suitability including any cautions, warnings, convictions or other determinations made in respect of [her] or a member of [her] household that would render [her] disqualified from working with children”. The panel noted that this placed a continuing duty on Ms Aziz to provide information to the School.

In written evidence Witness A stated that “Ms Aziz’s caution for shoplifting would not have automatically disqualified her however; the fact that she did not disclose this was against the school’s policy”. He added in oral evidence that he was not aware of this until sometime between January and March 2018, as Ms Aziz had failed to mention it to him.

The panel considered that the penalty notice for disorder was something that would have affected Ms Aziz’s suitability and therefore deemed it something which should have been disclosed immediately, in accordance with the requirements of the signed declaration.

The panel therefore found that Ms Aziz failed to disclose relevant information and found allegation 2(b) proven.

c. by failing to inform the School that a member of her household:

i. had been convicted of a sexual offence on or around 3 August 2015;

ii. was named on the Sex Offender Register;

Again, the panel noted that in the declaration form signed by Ms Aziz on 19 January 2015 she confirmed that she understood that she “must notify the headteacher (or an SLT member in his absence) of Bigland Green Primary School immediately of anything that affects [her] suitability including any cautions, warnings, convictions or other determinations made in respect of [her] or a member of [her] household that would render [her] disqualified from working with children”.

The panel had sight of [REDACTED] certificate of conviction and a MAPPA information sharing document provided by the Metropolitan Police. These documents indicated that [REDACTED] had been convicted of a sexual offence and that he had been named on the sex offenders register for seven years. The panel acknowledged that the conviction

post-dated the signing of the declaration form, but accepted that the declaration placed an ongoing obligation on Ms Aziz to update the School on relevant matters. The panel noted that there was no evidence to suggest that a notification had been made to the School following [REDACTED] conviction.

The panel also considered whether [REDACTED] was a member of her household. The panel noted that there was evidence to suggest that this was the case, including: an email from the Metropolitan Police which stated “I have confirmed another 2 addresses they have lived together” and the MAPPA document which stated “Numerous enquiries were carried out on both subject’s in order to find an address they were both residing as they were both giving” the same last address “as their current home address to all other agencies that dealt with them”.

Accordingly, on the balance of probabilities, the panel found that Ms Aziz had failed to disclose relevant information to the School by failing to inform the School that a member of her household was a convicted sex offender who was on the sex offenders register. The panel had no reason to doubt that Ms Aziz was aware of the convictions and noted that Ms Aziz had actually attempted to visit [REDACTED] in prison.

Therefore, the panel found allegation 2(c) proven.

d. within an application for special leave on or around 19 June 2014 by stating that the reason for her request was to attend court, which was untrue;

The panel was taken to Ms Aziz’s request for a special leave of absence and noted that the reason provided for the request by Ms Aziz was to “attend court”. The panel heard and read evidence from Witness A who stated that on the date that Ms Aziz was arrested, she had been working on one of the School’s computers. Witness A stated that once the computer was rebooted the following day, a letter from Ms Aziz to the governor of HMP Pentonville was on the screen. This letter was printed and handed to Witness A. The letter, dated 21 June 2014, stated “I had booked a visit to see [REDACTED] on Thursday 19th June 2014. I arrived at the visiting centre and gone through security etc. At 9:15 the receptionist informed me that [REDACTED] had not arrived at the visiting hall. After waiting for an hour I am told that [REDACTED] did not see his visits list and he didn’t make his way down”.

The panel concluded that the letter provided sufficient proof, on the balance of probabilities, that the reason for Ms Aziz’s request for special leave was untrue. The panel found that it was more likely than not that Ms Aziz had visited [REDACTED] in prison on 19 June 2014, as opposed to attending court, and therefore concluded that Ms Aziz did provide false and/or misleading information.

The panel therefore found allegation 2(d) proven.

3. Her conduct as may be found proven at allegation 2 was dishonest and / or lacked integrity;

The panel received legal advice on the terms ‘dishonesty’ and ‘integrity’ and took this into account when reaching a decision on allegation 3. The panel began by examining Ms Aziz’s conduct in relation to allegation 2(d). The panel considered that both subjectively and objectively Ms Aziz’s conduct should be described as dishonest. The panel noted that it was quite clear that Ms Aziz had made a conscious and active decision to lie in her request for a special leave of absence and that her actions could not be attributed to a mistake or carelessness. Whilst the panel acknowledged that dishonesty is a particularly serious allegation, based on detailed consideration of both written and oral evidence, it reached the conclusion that Ms Aziz had acted in a dishonest manner.

The panel also found Ms Aziz’s conduct in relation to allegation 2(d) to have been lacking in integrity. The panel considered that Ms Aziz’s actions had undermined the ethical standards of the profession.

The panel noted that in relation to Ms Aziz’s conduct, it only had to find one sub-particular of allegation 2 dishonest and / or lacking in integrity for allegation 3 to be found proven.

The panel therefore found allegation 3 proven.

4. Her conduct as may be found proven at allegation 2(c) was contrary to the applicable ‘Keeping children safe in education: childcare disqualification requirements – supplementary advice’.

The panel had an opportunity to review the advice referred to above, as a copy of the advice was included within the bundle. The panel noted that the section entitled ‘disqualification by association’ stated that the “requirement to provide the relevant information about a person who lives or works in the same household as them, guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. ‘by association’”.

This section within the advice went on to state that “Schools may choose to ask staff to complete and sign a declaration which would help identify those caught by the ‘by association’ requirement, particularly where an individual may be reluctant to self-declare. When it is identified that an individual is disqualified or the ‘by association’ criteria is met, where possible, employees who work in the specified early or later years provision should be asked to provide the following information to their employer about themselves or any person who lives in the same household as them...”.

The panel found that the declaration form signed by Ms Aziz on 19 January 2015 placed an ongoing duty on her. The panel recognised that Ms Aziz had signed the declaration and thus had acted in accordance with the advice. However, the panel acknowledged

that Ms Aziz had failed to update the School when her circumstances changed, which directly contradicted the advice and undermined the purpose for which it was created.

Therefore, the panel found that Ms Aziz's conduct at allegation 2(c) was contrary to the advice and found allegation 4 proven.

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

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

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

The panel was satisfied that the conduct of Ms Aziz, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Aziz was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

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

The panel found that the offence of serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that one of the allegations took place outside the education setting. The panel felt that this conduct may have affected the way Ms Aziz fulfilled her teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. However, oral and written evidence from Witness A described Ms Aziz as a good teacher and the panel noted that it had not had the opportunity to consider evidence from Ms Aziz about the context in which the offence took place.

Nevertheless, the panel was satisfied that Ms Aziz was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of all of the allegations proved, the panel further found that Ms Aziz'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 / conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils / the maintenance of public confidence in the profession / declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Ms Aziz, which involved shoplifting, dishonesty and a failure to provide relevant information, there was a strong public interest consideration in respect of the protection of pupils, given that Ms Aziz had failed to disclose the fact that a member of her household had committed sexual offences on an adult over the age of 18.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Aziz was outside that which could reasonably be tolerated.

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession, from the evidence before the panel, having overcome difficult personal circumstances to qualify as a teacher.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Aziz.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Aziz. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

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

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel acknowledged that it had not had the benefit of hearing from Ms Aziz. However, from the evidence presented to the panel, the following mitigating factors were noted:

- Ms Aziz had a previously good record. In written evidence Witness A stated that Ms Aziz "was a good teacher" and that "for the majority of time she was with us,

she was a highly effective teacher”. He added that “she also formed great relationships with [pupils] and got the best out of pupils that were in her class”. The panel also noted that there were two feedback forms from parents within the bundle. On both forms, a box had been ticked which stated “Fahmida was good at teaching my child”. On one of the forms the parent had commented “Famide [sic] was very good and responsible when she taught my son and my son was very happy to take lesson [sic]...”.

- Ms Aziz did have a previously good history with no previous declarations against her.
- Although Ms Aziz had not disclosed any evidence to the panel, it was clear from independent written evidence before the panel, particularly documents provided by official sources, including the Metropolitan Police and Snaresbrook Crown Court, that Ms Aziz had experienced an incredibly distressing and traumatic life. However, she had the resilience to qualify as a teacher despite her difficult personal circumstances. There were indicators within the documentation which suggested to the panel that there might be concerns regarding Ms Aziz’s welfare at the time of the incidents, for example, the fact that she did not have a stable home address despite holding a stable job. The documents indicated that [REDACTED]
- Whilst there was no direct evidence to suggest that Ms Aziz was acting under duress, the panel was acutely aware of the possibility that [REDACTED].

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Aziz of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Aziz. Concerns about safeguarding and dishonesty were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious dishonesty. Whilst the panel found that Ms Aziz did act dishonestly, it noted that this did not negatively impact upon pupils and was at the less serious end of the spectrum. The panel did not have the benefit of hearing from Ms Aziz and therefore was unaware of the context in which the behaviours took place.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 2 year review period, to enable Ms Aziz to reassure a future panel of her suitability to teach. The panel considered a 2 year review period to be wholly appropriate in the circumstances, based on the evidence before it. The panel also acknowledged that Ms Aziz was at the start of her career and that there might be wider issues which a future panel could explore with her participation.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Aziz should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Aziz is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel also, “found that the offence of serious dishonesty was relevant.”

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “this conduct may have affected the way Ms Aziz fulfilled her teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way.” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments, sets out as follows, “The panel did not have the benefit of hearing from Ms Aziz and therefore was unaware of the context in which the behaviours took place.”

In my judgement, the lack of any actual insight from Ms Aziz means that there is some risk of the repetition of this behaviour. 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 that it , “also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

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

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Ms Aziz herself. The panel comment “Ms Aziz had a previously good record”. In written evidence Witness A stated that Ms Aziz “was a good teacher” and that “for the majority of time she was with us, she was a highly effective teacher”. He added that “she also formed great relationships with [pupils] and got the best out of pupils that were in her class”. The panel also noted that there were two feedback forms from parents within the bundle. On both forms, a box had been ticked which stated “Fahmida was good at teaching my child”. On one of the forms the parent had commented “Famide [sic] was very good and responsible when she taught my son and my son was very happy to take lesson [sic]...”.

A prohibition order would prevent Ms Aziz from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the behaviour, “Concerns about safeguarding and dishonesty were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect”.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Aziz has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by any evidence of 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 a 2 year review period.

I have considered the panel's comments “whilst the panel found that Ms Aziz did act dishonestly, it noted that this did not negatively impact upon pupils and was at the less serious end of the spectrum”.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I believe that a 2 year review period does meet that test.

I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Fahmida Aziz 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 24 February 2022, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Fahmida Aziz remains prohibited from teaching indefinitely.

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

Ms Fahmida Aziz 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.

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

Decision maker: Alan Meyrick

Date: 19 February 2020

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