



Teaching
Regulation
Agency

Mr Muhammad Hussain: Professional conduct panel outcome

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

June 2021

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

Teacher:	Mr Muhammad Hussain
Teacher ref number:	1735483
Teacher date of birth:	2 September 1991
TRA reference:	19040
Date of determination:	14 June 2021
Former employer:	Royds Hall Community School, Huddersfield (part of SHARE Multi Academy Trust)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 14 June 2021, to consider the case of Mr Muhammad Hussain.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Mr Gamel Byles (teacher panellist) and Ms Sonia Simms (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Naomh Gibson of Halcyon Chambers.

Mr Hussain was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 12 March 2021.

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

1. Whilst applying for the role of Science Teacher at Royds Hall Community School ('the School') and/or following his appointment on 3 June 2019, he provided false and/or misleading information and/or failed to disclose relevant information, namely:
 - a. Providing fraudulent NQT induction documents for the 'End of First Assessment' and/or 'End of Second Assessment' in order to mislead the School as to his previous employment assessments as an NQT.
2. His conduct at Allegation 1 above, lacked integrity and/or was dishonest in that he deliberately provided such false/inaccurate information, in order to improve his prospects of securing the post he had applied for and/or retaining his role.

Whilst Mr Hussain responded to the Notice, he did not formally respond to the allegations. Accordingly, they were treated as denied.

Preliminary applications

Application to proceed in the absence of Mr Hussain

The panel considered an application from the presenting officer to proceed in the absence of Mr Hussain.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice was sent in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession and that the requirements for service had been satisfied.

Mr Hussain responded to the Notice by email dated 21 May 2021 and confirmed that he did not intend to be present or represented. He had also been in contact with the TRA by telephone. The panel was accordingly satisfied that Mr Hussain was clearly aware of the hearing.

The panel went on to consider whether to proceed in Mr Hussain's absence or to adjourn.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Hussain was not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Mr Hussain for the following reasons:

- Mr Hussain had not sought an adjournment.
- There was no medical evidence before the panel indicating that Mr Hussain was unfit to attend the hearing. He had been given an opportunity to provide such evidence and had not done so.
- The panel was satisfied that Mr Hussain's absence was voluntary and he had waived his right to attend. Mr Hussain expressly stated that he would like the hearing to go ahead in his absence.
- There was no indication that Mr Hussain might attend at a future date and no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- There is an obligation on all professionals who are subject to a regulatory regime to engage with their regulator.
- There was a witness present to give evidence to the panel who would be inconvenienced were the hearing to be adjourned.

Having decided that it was appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Hussain is neither present nor represented.

Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of proceedings, response and schedule – pages 4 to 21

Section 3: Teaching Regulation Agency witness statements – pages 23 to 47

Section 4: Teaching Regulation Agency documents – pages 48 to 96

Section 5: Teacher documents – pages 98 to 99

Witnesses

The panel heard oral evidence from Individual A called by the presenting officer.

Mr Hussain did not attend to give evidence.

Decision and reasons

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

The panel confirms it has read all of the documents provided in the bundle in advance of the hearing.

Introduction

Mr Hussain began working at Royds Hall Community School ("the School") in June 2019 for the final term of his Newly Qualified Teacher (NQT) year. Mr Hussain had completed his first two NQT terms at the Oasis Academy, Oldham (part of Alliance for Learning). He successfully applied to the School for a science teaching post with effect from 1 September 2019.

On 26 November 2019, Individual A visited the School at the request of its Senior Leadership Team, which had concerns about Mr Hussain's practise. Having observed Mr Hussain, Individual A made enquiries of Mr Hussain's previous school in relation to end of term assessments it had completed as part of the NQT induction process.

On 29 November 2019, as a result of discrepancies identified with those assessments, Mr Hussain was suspended and a disciplinary process commenced. Prior to the conclusion of that process, Mr Hussain resigned from his position at the School.

On 7 January 2019, a disciplinary hearing took place in Mr Hussain's absence and he was dismissed. He was subsequently referred to the TRA by the School.

Evidence considered by the panel

The panel carefully considered all of the written and oral evidence presented. It accepted the legal advice provided.

The panel heard oral evidence from Individual A who was called by the presenting officer.

Individual A was [redacted]. The School is a part of the Trust, along with two other secondary schools and three primary schools.

The panel considered that Individual A was a credible witness who gave clear evidence.

Mr Hussain did not attend to give evidence and nor did he provide a witness statement specifically addressing the allegations set out in the Notice. Whilst Mr Hussain had responded to the Notice and appeared to accept wrongdoing in general terms, there were no formal admissions to the allegations.

This response, along with other evidence included in the hearing papers, was regarded as hearsay evidence. In the absence of hearing from the relevant individuals in oral evidence, it was treated with caution by the panel.

The panel confirmed that it had not relied upon any findings made, or opinions expressed, during the School's investigation. It formed its own, independent view of the allegations based on the evidence presented.

Findings of fact

The findings of fact are as follows:

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

- 1. Whilst applying for the role of Science Teacher at Royds Hall Community School ('the School') and/or following your appointment on 3 June 2019, you provided false and/or misleading information and/or failed to disclose relevant information, namely:**
 - a. Providing fraudulent NQT induction documents for the 'End of First Assessment' and/or 'End of Second Assessment' in order to mislead the School as to your previous employment assessments as an NQT.**

Individual A gave evidence that she visited the School on 26 November 2019, at the request of the Senior Leadership Team, following concerns raised about Mr Hussain during internal quality assurance checks.

Individual A subsequently conducted a 'drop-in' session, which prompted concerns regarding Mr Hussain's conduct of the lesson she observed. She stated, in particular:

"More than one pupil did not appear to have clarity about what they should be doing in the lesson; some pupils were not engaging at all and more than one pupil was out of their seat with no real expectation from Mr Hussain. Pupils commented that this was the normal level of expectation in his classroom and the pupils' exercise books also evidenced that limited work was completed in his lessons."

Individual A also requested Mr Hussain's end of term assessments from his previous school. She was notified that Mr Hussain had provided the School with two assessments for each of his previous terms (together, "the Assessments").

Individual A was told that Mr Hussain had only provided hard copies of the Assessments. She considered this suspicious, as a prospective employer is usually given electronic copies. However, when she asked Mr Hussain for electronic copies during their feedback meeting on 26 November, he informed her that he did not have these.

In the light of this, Individual A contacted Alliance for Learning directly to request copies of the Assessments, which were subsequently provided.

Individual A stated that:

"On receipt of his Assessments from Alliance for Learning I cross referenced these with the Assessments provided to the School by Mr Hussain. I found that there was significant discrepancies within the two sets of assessments."

Copies of the different versions of the Assessments were before the panel. The versions provided by Mr Hussain to the School were clearly different in multiple respects to those subsequently obtained by Individual A.

Very helpfully, the panel was presented with a comprehensive comparison schedule of the different versions of the Assessments ("the Schedule"), which it accepted as an accurate depiction of the critical differences between the versions, having carefully scrutinised the documents. Individual A reiterated that she had identified 24 major differences.

Although Mr Hussain did not expressly accept wrongdoing at the time he left his position at the School, he has since accepted his deception. Whilst he neither admitted nor denied this allegation in formal terms, in a letter sent to the TRA he stated:

"After starting at [the School] I was asked to bring my NQT report from previous school or I will not be able to continue to work, however the school initially stated that they lost my report so what I did was give them the report that I already had, which was the one that I initially wrote. However, I do fully acknowledge that the school was unaware of this situation and I made the grave mistake of being dishonest [redacted]. So out of desperation I did the unthinkable. ...

I am no longer hiding away from the fact that I did commit fraud." (sic)

Given the clear evidence before it, including Mr Hussain's recorded acceptance of deception, the panel was satisfied that the Assessments provided by Mr Hussain were fraudulent.

The panel concluded that the original versions of the Assessments were altered by Mr Hussain in each of the respects identified within the Schedule. The versions of the Assessments Mr Hussain provided to the School were, therefore, not genuine or authentic.

The panel did note the suggestion in Mr Hussain's recent letter to the TRA that, in relation to one of the assessments, he had been asked to write his own report. Although this was not expressly set out, Mr Hussain appeared to be suggesting that this may offer an explanation for the differences now apparent in relation to that document at least. However, his position on this issue was not completely clear and, in his absence, the panel was unable to explore this further with him.

On balance, the panel did not accept that as a plausible explanation. It was more likely than not that, in relation to both of the Assessments, the versions Mr Hussain provided to the School were the product of amendments made by him to the original text. The panel considered that that was the appropriate inference to draw having regard to the nature of the amendments, the manner in which the Assessments were provided to the School and Mr Hussain's clear acknowledgment of guilt, most recently in his email dated 21 May 2021.

The panel also concluded that, by providing these documents to the School in this manner, Mr Hussain had clearly and deliberately provided false and misleading information. He failed to disclose, at any stage, the correct versions of the Assessments or to correct the School's understanding that those he provided were genuine and accurate. The panel considered that the only plausible conclusion was that Mr Hussain's actions were intended to mislead the School.

The panel therefore found allegation 1 proved on that basis.

2. Your conduct at Allegation 1 above, lacked integrity and/or was dishonest in that you deliberately provided such false/inaccurate information, in order to improve your prospects of securing the post you had applied for and/or retaining your role.

Having found the facts of allegation 1 proved, the panel went on to consider whether Mr Hussain's conduct was dishonest and/or demonstrated a lack of integrity.

In determining whether his conduct was dishonest, the panel considered Mr Hussain's state of knowledge or belief as to the facts before determining whether his conduct was dishonest by the standards of ordinary decent people.

As regards lack of integrity, the panel recognised that professional integrity denotes adherence to the standards of the profession and the panel therefore considered whether, by his actions, Mr Hussain had failed to adhere to those standards.

As already noted, whilst Mr Hussain neither admitted nor denied this allegation in formal terms he expressly accepted that he "*made the grave mistake of being dishonest*".

The panel was satisfied that the appropriate inference to draw from the clear evidence before it was that this was deliberate behaviour on the part of Mr Hussain, which he now appeared to accept.

The panel was satisfied that Mr Hussain would have known precisely what he was doing. It concluded that Mr Hussain's conduct amounted to a deliberate deception that was intended to present himself in a more favourable light.

The nature and sheer number of changes made by Mr Hussain to the original versions of the Assessments was extremely troubling.

The panel accepted the submission of the presenting officer that some of these changes were tonal in nature, changing the emphasis of the original text. In other instances, the changes were to such an extent that the altered version bore no relation to the original meaning of the text. In some cases, the amended text said the polar opposite to the original and genuine version. There was no evidence of anyone else being involved in making the changes. As such, the panel was satisfied and found it proved that Mr Hussain was solely responsible for these changes, which were clearly considered and would have taken some time to effect.

This was, in the panel's view, dishonest behaviour by the standards of ordinary decent people.

For the same reasons, the panel concluded that Mr Hussain failed to adhere to the ethical and professional standards of his profession and, consequently, displayed a lack of integrity. The panel was satisfied that Mr Hussain would have appreciated that his behaviour was wrong and unacceptable at the time.

Accordingly, the panel found allegation 2 proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of 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 Mr Hussain, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hussain was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour ...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Hussain'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 fraud or 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.

Having carefully considered its findings and all the relevant circumstances of this case, the panel was satisfied that Mr Hussain's conduct amounted to misconduct of a serious nature, which fell significantly short of the standards expected of the profession.

Mr Hussain held a position of trust and responsibility. It was incumbent upon him to be open and honest at all times. The panel concluded Mr Hussain clearly and seriously breached his obligations in this regard. Although he was inexperienced and undertaking his NQT year, he remained accountable for his actions. This was a serious, premeditated act of dishonesty for personal gain. The extensive changes Mr Hussain effected would no doubt have taken him a considerable time and required a great deal of thought. This was not a momentary lapse of judgment. Having acted in this way, Mr Hussain subsequently had ample opportunity to reflect on what he had done and to correct his dishonest act. He did not do so.

For these reasons, the panel was satisfied that Mr Hussain was guilty of unacceptable professional conduct.

In relation to whether Mr Hussain's conduct may bring the profession into disrepute, 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.

In this case, the findings of misconduct are extremely serious. Dishonest conduct of the type displayed would be likely to have a negative impact on Mr Hussain's status as a teacher, potentially damaging the public perception. His actions were directly relevant to his role as a teacher, given the public rightly expect teachers to be completely frank and honest when submitting documents to their employers. In this instance, the panel's findings were such that Mr Hussain was motivated by a desire to increase the likelihood of him securing a position at the School.

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

Having found the facts of allegations 1 and 2 proved, the panel further found that Mr Hussain's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and 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 maintenance of public confidence in the profession and the declaring and upholding proper standards of conduct.

In light of the panel's findings that Mr Hussain had acted dishonestly and without integrity, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hussain were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was also of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was present. Plainly, conduct of this nature is outside that which could reasonably be tolerated.

Given the nature of the proven conduct and in the absence of any recent, positive evidence about Mr Hussain's qualities and abilities as a teacher, the panel did not

consider there was a strong public interest consideration in retaining Mr Hussain in the profession.

In particular, these allegations relate to conduct during his NQT year and there were concerns about the quality of Mr Hussain's practice that led to his deception being uncovered.

In his email to the School dated 10 December 2019, Mr Hussain stated:

"I've been getting hints that I will [be] failing this term I have been advised to leave."

Although there was a suggestion that Mr Hussain has been recently engaged as a cover teacher, there was no evidence as to his current employment. His future intentions were unclear beyond a stated desire to continue in teaching for financial reasons. There was no indication, from the limited evidence he had submitted, that Mr Hussain was passionate about teaching or his subject.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Hussain.

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;
- 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 considered that the following mitigating factors were present in this case:

- Mr Hussain appeared to have an otherwise unblemished disciplinary record.

- Mr Hussain had engaged with the TRA to a limited extent and made some admissions, if not in formal terms.
- There was some evidence of regret and remorse. For example, Mr Hussain stated he was "*utterly disgusted*" by his actions.
- In his response to the Notice, Mr Hussain alluded to some personal difficulties at the relevant time which impacted on his choices. However, in the absence of hearing from Mr Hussain and any clear evidence about such matters, the panel was unable to explore these issues further.

Weighed against this, the aggravating features in this case were that:

- Mr Hussain's actions were deliberate and premeditated. There was no evidence that he was acting under duress. However inexperienced he may have been, Mr Hussain remained accountable and responsible for his actions.
- There were no character references or testimonials provided by Mr Hussain for the purposes of these proceedings. There were some documents in the papers provided in support of his application to the School.
- His actions amounted to a clear breach of the Teachers' Standards.
- Mr Hussain's actions were dishonest. His behaviour was motivated by personal gain.
- Mr Hussain attempted to cover up performance issues at his previous school. He was not forthcoming about what he had done when enquiries were first made of him by Individual A.
- Mr Hussain was in a position of trust and responsibility. He was also a role model. He fell very far short of the standards expected of him in that regard.
- In the absence of hearing from Mr Hussain, the panel was unable to explore with him the extent of the insight he had gained into his failings. There was no evidence of rehabilitative steps having been taken.

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.

Having carefully considered the specific circumstances of this case and taking into account the mitigating and aggravating features present, the panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order would not be a proportionate and appropriate response. Recommending that the

publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present, despite the severity of the consequences for Mr Hussain of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate and decided that the public interest considerations outweighed the interests of Mr Hussain.

The panel's findings in relation to Mr Hussain's dishonesty and lack of integrity were significant in forming that opinion. This was a protracted instance of dishonesty, not a momentary lapse of judgment. Mr Hussain maintained his dishonesty over this protracted period and in response to direct enquiries from the School. He subsequently failed to engage with the School's investigation and disciplinary process having been given every opportunity to do so.

The panel therefore concluded that Mr Hussain's behaviour was properly categorised as serious dishonesty.

There was also no evidence of rehabilitation on the part of Mr Hussain and very little evidence of insight. He had taken only a very limited part in these proceedings.

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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include fraud or serious dishonesty.

As set out above, in the circumstances of this case, the panel concluded that Mr Hussain's conduct should properly be categorised as serious dishonesty. It involved fraud, which Mr Hussain readily acknowledged.

In light of this and having carefully considered all of the circumstances of this case, the panel decided that the findings indicated a situation in which a review period would not be appropriate.

Mr Hussain's behaviour was extremely concerning and at the serious end of the spectrum.

This was protracted, serious dishonesty and there was no evidence of true insight.

Other than his recent responses to the Notice, Mr Hussain had presented no information in mitigation and there was no evidence that he was regarded as a good practitioner. Indeed, the opposite appeared to be true.

There was only limited evidence of regret and remorse and the focus of Mr Hussain's response was on himself rather than the effect and implications of his actions on the School, his pupils and the reputation of the profession. Insofar as Mr Hussain alluded to some personal difficulties at the relevant time, there was no corroborating information before the panel to allow it to form a view about these matters. Whatever the effect of these issues may have been upon Mr Hussain, they did not justify him falsifying formal, important documentation for personal gain. He remained responsible for his actions and there was no clear indication that Mr Hussain understood and accepted this.

In all the circumstances, the panel was satisfied that there was a risk of repetition of the same or similar conduct, given Mr Hussain's willingness to act in such a manner. The panel concluded that his actions were fundamentally incompatible with him being a teacher.

The panel did have in mind the fact that prohibition orders should not be given in order to be punitive and it took account of the mitigating factors present.

However, on balance, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Mr Hussain should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Hussain is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour ...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Hussain fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of providing false and/or misleading information, failure to disclose information, providing fraudulent NQT induction documents, which was dishonest and lacked integrity.

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

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "There was only limited evidence of regret and remorse and the focus of Mr Hussain's response was on himself rather than the effect and implications of his actions on the School, his pupils and the reputation of the profession". In my judgement, the lack of insight 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, "In light of the panel's findings that Mr Hussain had acted dishonestly and without integrity, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hussain were not treated with the utmost seriousness when regulating the conduct of the profession". I am particularly mindful of the finding of dishonesty 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 Mr Hussain himself and the panel comment “Although there was a suggestion that Mr Hussain has been recently engaged as a cover teacher, there was no evidence as to his current employment. His future intentions were unclear beyond a stated desire to continue in teaching for financial reasons. There was no indication, from the limited evidence he had submitted, that Mr Hussain was passionate about teaching or his subject”.

However despite the lack of evidence presented to the panel, a prohibition order would prevent Mr Hussain from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the following comments from the panel “The panel's findings in relation to Mr Hussain's dishonesty and lack of integrity were significant in forming that opinion. This was a protracted instance of dishonesty, not a momentary lapse of judgment. Mr Hussain maintained his dishonesty over this protracted period and in response to direct enquiries from the School. He subsequently failed to engage with the School's investigation and disciplinary process having been given every opportunity to do so”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hussain 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 remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments “the panel concluded that Mr Hussain's conduct should properly be categorised as serious dishonesty. It involved fraud, which Mr

Hussain readily acknowledged. In light of this and having carefully considered all of the circumstances of this case, the panel decided that the findings indicated a situation in which a review period would not be appropriate”.

I have considered whether allowing for no 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, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty and fraud found proven, lack of full insight and remorse.

I disagree with the panel on not allowing for a review period, although the misconduct was serious and there was very little evidence of mitigation presented to the panel, Mr Hussain was an inexperienced teacher undertaking his NQT, yes he should have been responsible for his actions, however is it reasonable to assume he could after a period reflect on his conduct and understand the impact of his actions.

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

This means that Mr Muhammad Hussain 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 22 June 2026, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Hussain remains prohibited from teaching indefinitely.

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

Mr Hussain 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 black ink, appearing to read 'SABuxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 17 June 2021

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