

THE TEACHING AGENCY

Decision of a Professional Conduct Panel

Teacher: Mr Muhammed Laher

Teacher ref no: 1074646

TA Case ref no: 7858

Date of Determination: 22 May 2012

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on Monday, 21 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Muhammed Laher.

The Panel members were Dr Dena Coleman (Professional Panellist– in the Chair), Mr Martin Pilkington (Lay Panellist) and Mr Michael Sanderson (Lay Panellist).

The Legal Adviser to the Panel was Mr Tom Rider of Field Fisher Waterhouse LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Louisa Atkin of Browne Jacobson LLP Solicitors.

Mr Muhammed Laher was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 8 March 2012.

It was alleged that Mr Muhammed Laher has been convicted of relevant offences, in that:

1. On 10 January 2011 he was convicted at Inner London Crown Court of the offence of causing death by careless or inconsiderate driving. He committed this offence on 26 December 2009. On 31 January 2011, he was sentenced to a Community Order with an unpaid work requirement of 200 hours. In addition, he was disqualified from driving for 18 months and ordered to pay costs of £500.

2. On 23 February 2011, he was convicted at Kingston-upon-Thames Crown Court of the offence of dangerous driving. He was sentenced to a Community Order with an unpaid work requirement of 100 hours, together with costs in the sum of £1,482. He was also disqualified from driving for a period of 2 years and will not be eligible for a licence until he has passed an extended driving test.

There were no admissions made by Mr Laher of either the factual particulars of the allegation or that they amount to convictions of relevant offences.

C. Summary of Evidence

Documents

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

- Section 1: Notice of Proceedings (pages 1-7)
- Section 2: Teaching Agency Documents (pages 8-24)
- Section 3: Teacher's Documents (pages 25-90)

In addition, as previously stated, the Panel agreed to accept the following:

- A copy of Mr Laher's entry in the former register of the General Teaching Council for England (which was inserted into the bundle as page 24A);
- The Presenting Officer's attendance note of her telephone conversation with Mr Laher on 10 May 2012 (which was inserted into the bundle as page 24B); and
- The copy of the Presenting Officer's email to Mr Laher of 10 May 2012 and his email in reply of 16 May 2012 (which were inserted into the bundle as pages 24C-D);

The Panel Members confirmed that they had read all of the documents in advance of the hearing and read the further documents submitted at the hearing (as itemised above).

Brief summary of evidence given

The Presenting Officer confirmed that she was relying solely on the documents in the bundle to prove her case; she was not calling any witnesses.

To prove the facts of the two convictions, she referred to the certificates of conviction at pages 13-16 and 22. The first confirmed Mr Laher's conviction on 10 January 2011 at Inner London Crown Court of the offence of causing death by careless or inconsiderate driving. The second confirmed his conviction on 23 February 2011 at Kingston-upon-Thames Crown Court of the offence of dangerous driving. She referred too to Mr Laher's Response to the General Teaching Council for England in March 2011 at page 26 where he appears to accept the fact of these convictions.

She submitted that both were convictions of relevant offences. She referred the Panel to the definition of "conviction, at any time, of a relevant offence" in the Department for Education guidance document "The Prohibition of Teachers", which includes a list of likely relevant factors. She stated that both were serious driving offences. The first resulted in the death of a pedestrian as he crossed the road. The second was for dangerous driving and it occurred only 7 months after the first offence had been committed. She referred the Panel to the Defence expert's reports for the first offence (white pages 31-84) for the background circumstances. It contained a summary of the witness statements obtained by the police and of their interviews of Mr Laher and his two brothers. It referred to the accident as having occurred shortly before 22:00 on 26 December 2009 at Brixton Road, London, SW9, when a Honda car driven by Mr Laher collided with a pedestrian, who was substantially intoxicated with alcohol, as he attempted to cross Brixton Road. Mr Laher called for an ambulance but the pedestrian was fatally injured.

For the circumstances of the second offence, the Presenting Officer referred the Panel to the police case summary at page 23. The document represented the opinions of the police officers and so had to be treated with caution. Nevertheless, it described how around 13:30 on Saturday, 17 July 2010, a Honda car driven by Mr Laher was seen by officers in an unmarked police vehicle travelling at high speed and on the wrong side of the road in London SW10. It referred to the unmarked police vehicle following the Honda as it braked sharply as it came towards another car, before veering onto the wrong side of the road to overtake 2-3 cars and in the process overtaking on the wrong side of two traffic islands with keep left signs on. It stated at this point the police officers decided the car had to be stopped as it was driving "so dangerously it would only be a matter of time before a collision occurred".

The Presenting Officer submitted that Mr Laher's behaviour was contrary to the standards of personal conduct expected of a teacher. Teachers are role models and Mr Laher had acted recklessly and demonstrated a lack of real insight into the impact of his actions. The two offences occurred within a short time of each other.

In answer to questions from the Panel, the Presenting Officer stated that:

- Although Mr Laher had referred in his Response to the General Teaching Council for England to suffering from stress and depression from December 2009 onwards, he had not submitted any medical evidence to substantiate this.
- The email dated 15 March 2012 from the Assistant Head at the University of Brighton to the General Teaching Council for England said Mr Laher was no longer a student teacher at the University (page 24). He had commenced the two year course in September 2010 and had withdrawn from the course midway through his studies. The reason for his withdrawal was not known.
- Both offences carried the potential of a sentence of imprisonment, if convicted.

D. 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.

This case concerns Muhammed Laher, who was formerly registered for an education course at the University of Brighton, which would have led to Qualified Teacher Status. On 26 December 2009, Mr Laher while driving knocked down and killed a pedestrian. Following this incident, Mr Laher pleaded guilty to a charge of causing death by careless or inconsiderate driving. On 17 July 2010, Mr Laher was stopped by the police while driving at high speed and on the wrong side of the road. As a result he was convicted on a charge of dangerous driving on 23 February 2011.

The case was reported to the General Teaching Council for England and was outstanding as at 31 March 2012 when the GTCE was abolished. The Secretary of State has since referred the case to this Panel.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against him proven:

1. On 10 January 2011 he was convicted at Inner London Crown Court of the offence of causing death by careless or inconsiderate driving. He committed this offence on 26 December 2009. On 31 January 2011, he was sentenced to a Community Order with an unpaid work requirement of 200 hours. In addition, he was disqualified from driving for 18 months and ordered to pay costs of £500.
2. On 23 February 2011, he was convicted at Kingston-upon-Thames Crown Court of the offence of dangerous driving. He was sentenced to a Community Order with an unpaid work requirement of 100 hours, together with costs in the sum of £1,482. He was also disqualified from driving for a period of 2 years and will not be eligible for a licence until he has passed an extended driving test.

Our reasons are that for each conviction we have before us a copy of the memorandum of conviction: the first from the Inner London Crown Court; and the second from the Kingston Crown Court. Further, although Mr Laher has not formally admitted the facts of these convictions, it is clear to us from his Response in March 2011 to the General Teaching Council for England (at pages 26-28 of the bundle) that he accepts that he has been convicted for these two offences.

Findings as to Convictions of Relevant Offences

We are further satisfied that these are both convictions for a relevant offence.

In coming to this judgment, we have taken into account the guidance issued by the Teaching Agency entitled "The Prohibition of Teachers" as to what constitutes a conviction for a relevant offence and the factors to be taken into account.

These were both serious driving offences, one of which resulted in the death of a pedestrian. In the second, the police officers decided that Mr Laher had to be stopped as Mr Laher was in their opinion driving so dangerously it would only be a matter of time before a collision occurred. Although the offences occurred before Mr Laher embarked on his course of teaching training, they were sufficiently serious to be contrary to the standards of personal and professional conduct to be expected of a teacher. This is particularly so given the fact that the second offence followed so quickly after the death of the pedestrian in the first incident. In this respect we are mindful of the position of a teacher as a role model for pupils in their care.

Further, this conduct would in our view be likely to impact on the safety of members of the public and on public confidence in the teaching profession.

Panel's Recommendation to the Secretary of State

The Panel's recommendation is that a Prohibition Order should be imposed in this case.

The Panel has carefully considered the relevant factors set out in the guidance on the Prohibition of Teachers.

We acknowledge that Mr Laher was not working as a teacher at the time of these offences. Further, he pleaded guilty to both offences and, to the best of our knowledge, he was a person of previous good history up to the time of the first offence. We have read the three testimonials that were furnished to the Inner London Crown Court that speak of his personal qualities. We have not of course heard from Mr Laher personally because regrettably he chose not to attend this hearing.

The Panel considers that Mr Laher's actions amount to a serious departure from the standards of personal conduct expected of a teacher. These were serious criminal offences. Furthermore, what is striking about this case is that the second offence was committed only seven months after the first, when a person had been killed as a result of Mr Laher's careless and inconsiderate driving. We note that Mr Laher expressed remorse to the Court in January 2011 when tried for the first offence, but his actions at the time of the second incident represent a significant lack of insight into his personal conduct, which is incompatible with being a teacher. He behaved in a most foolish and reckless manner, which caused harm and had the potential to cause further serious harm to members of the public.

For these reasons, the Panel considers that a Prohibition Order is a proportionate response having weighed up the interests of the public against those of Mr Laher.

We recommend that the minimum period before the end of which Mr Laher may apply for a review of the Prohibition Order should be two years.

Secretary of State's Decision and Reasons

I have given careful consideration to this case and to the recommendation of the panel. The panel's findings of fact are clearly set out, as are their reasons for determining that the convictions are relevant ones. These were serious offences. I have also taken into account, as the panel did, the guidance published by the Secretary of State on the prohibition of teachers. Serious driving convictions fall clearly within the guidance for prohibition.

I have read the panel's account of the testimonials that were presented to the Court, but have also considered the balance between the public interest and the interests of Mr Laher.

I accept the recommendation of the panel in respect of prohibition. I have also considered carefully the panel's recommendation in terms of a review period. I consider their recommendation to be proportionate and accept that also.

This means that Mr Muhammed Laher 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 28 May 2014, 2 years from the date of this order at the earliest.** If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Laher's name remains barred from teaching indefinitely.

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

Mr Muhammed Laher 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: 22 May 2012