

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Saghir Sakhi Ahmed

Teacher ref no: 95/53238

Teacher date of birth: 13 November 1970

TA Case ref no: 7179

Date of Determination: 11 May 2012

Former Employer: Carshalton Boys' Sports College/ London Borough of Sutton

A. Introduction

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on 11 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Saghir Sakhi Ahmed.

The Panel members were Mr David Gordon (Lay Panellist– in the Chair), Mrs Sheba Joseph (Professional Panellist) and Mr David Longson (Professional Panelist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP Solicitors.

The meeting took place in private. The announcement of the Panel's decision on facts and unacceptable professional conduct / conviction of a relevant offence took place in public and was recorded.

B. Allegations

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

It was alleged that Mr Ahmed was guilty of unacceptable professional conduct in that:

Whilst employed at Carshalton Boys' Sports College, Surrey, between November 2007 and January 2008:

- 1. you approached a 16/17 year old girl, not known to you, in the street in November 2007 and made an inappropriate comment to her;**

2. between 5pm/6pm on a day in January 2008 you approached the same girl twice in the street and each time tried to engage her in conversation;
3. you interfered with Pupil B's official coursework mark in June 2002;
4. you behaved inappropriately towards numerous female colleagues in 2002;
5. you inappropriately restrained Pupil A in November 2003 potentially jeopardising their health, safety and wellbeing;
6. you made comments of an inappropriate and offensive nature towards a female colleague in front of pupils on or around 15 September 2006

AND it was alleged that Mr Ahmed had been convicted of relevant offences, namely:

OFFENCE/ DATE	Harassment in November 2007
COURT/ DATE	Kingston Magistrates' Court on 10/07/08
DISPOSAL	3 months imprisonment / 100 hours community service/ 2 year restraining order
OFFENCE/ DATE	Harassment in January 2008
COURT/ DATE	Kingston Magistrates' Court on 10/07/08
DISPOSAL	3 months imprisonment / 100 hours community service/ 2 year restraining order

C. Summary of Evidence

Documents

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

Section 1: Anonymised Pupil List, pages 1 and 2;

Section 2: Notice of Proceedings and Response, pages 3 to 10;

Section 3: Teaching Agency Witness Statements, pages 12 to 15;

Section 4: Teaching Agency Documents, pages 16 to 127

Section 5: Teacher Documents, pages 128 to 134

In addition, the Panel agreed to accept the following:

1. Notice of Referral dated 28 October 2011;
2. Response to Notice of Referral dated 10 May 2012;
3. Statement of Agreed Facts;
4. Statement of Registrant dated 5 May 2012;
5. email from Sunbury Manor School dated 9 May 2012;
6. Letters from Kingston Muslim Association dated 8 and 9 May 2012;
7. Letter from Kingson Masjid Madrasah dated 26 April 2012.

These additional documents were added to the bundle of documents before the Panel. The Panel Members confirmed that they had read all of the documents, including these additional documents, prior to the start of the meeting.

Brief summary of evidence given

The Statement of Agreed Facts confirmed that:

“Mr Ahmed (DOB 13/11/1970) was employed at Carshalton Boys’ Sports College, Surrey from September 1998 until 2 May 2008.

In December 2002, Carshalton Boys’ College received complaints about Mr Ahmed’s behaviour towards numerous female colleagues. The Finance and Administration Manager discussed these complaints with Saghir Ahmed who assured her that there would be no repeat of the behaviour.

On 7 November 2003 Mr Ahmed inappropriately restrained Pupil A potentially jeopardising their health, safety and wellbeing following a classroom incident. On or around 20 May 2002, Saghir Ahmed falsified Pupil B’s examination coursework grade prior to submitting the same for moderation. In September 2006, Saghir Ahmed made an inappropriate comment to a female colleague in front of pupils. Saghir Ahmed asked a female colleague to remove her skirt upon entering the school’s assembly area for morning assembly.

On 10 July 2008, Mr Ahmed was found guilty of two counts of harassment at Kingston Magistrates’ Court. Saghir Ahmed was found to have harassed a young girl aged between 16 and 17 years old on two separate occasions; November 2007 and January 2008. He was sentenced to 3 months imprisonment (suspended sentence), 100 hours of community service and a 2 year restraining order.

Saghir Ahmed admits the facts of the allegation against him and that they amount to unacceptable professional conduct and conviction, at any time of a relevant offence’.

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 noted that Mr Ahmed has requested that the case be considered at a meeting of the Professional Conduct Panel and that the Teaching Agency has agreed to this request. In addition to the documents contained within the bundle served in advance, we have today been provided with additional documents, including an agreed statement of facts, a statement from Mr Ahmed dated 5 May 2012, and character references on his behalf.

We confirm that we have read all the documents provided in the bundle in advance of the meeting and the additional documents provided today.

We concluded that it was appropriate for this case to be dealt with as a meeting and we proceeded on that basis.

Mr Saghir Ahmed (DOB 13 November 1970) was employed at Carshalton Boys' Sports College as a Science Teacher from September 1998 until May 2008.

In December 2002, Carshalton Boys' College received complaints about Mr Ahmed's behaviour towards numerous female colleagues. These were discussed with Mr Ahmed and he gave an assurance that this behaviour would not be repeated.

On 7 November 2003 Mr Ahmed inappropriately restrained a pupil following a classroom incident.

On or around 20 May 2002. Mr Ahmed falsified a pupil's examination coursework grade prior to submitting the same for moderation.

In September 2006, Mr Ahmed made an inappropriate comment to a female colleague in front of pupils.

On 10 July 2008, Mr Ahmed was found guilty of two counts of harassment at Kingston Magistrates' Court. He was found to have harassed a young girl aged between 16 and 17 years on two occasions, namely in November 2007 and January 2008. He was sentenced to 3 months imprisonment (suspended), a community service order and a 2 year restraining order.

Findings of fact:

Mr Ahmed has admitted the facts of the following allegations namely:

Whilst employed at Carshalton Boys' Sports College, Surrey, between November 2007 and January 2008:

- 1. you approached a 16/17 year old girl, not known to you, in the street in November 2007 and made an inappropriate comment to her;**
- 2. between 5pm/6pm on a day in January 2008 you approached the same girl twice in the street and each time tried to engage her in conversation;**

3. you interfered with Pupil B's official coursework mark in June 2002;
4. you behaved inappropriately towards numerous female colleagues in 2002;
5. you inappropriately restrained Pupil A in November 2003 potentially jeopardising their health, safety and wellbeing;
6. you made comments of an inappropriate and offensive nature towards a female colleague in front of pupils on or around 15 September 2006

AND

The following criminal offences have been recorded against Mr Ahmed, namely:

OFFENCE/ DATE	Harassment in November 2007
COURT/ DATE	Kingston Magistrates' Court on 10/07/08
DISPOSAL	3 months imprisonment / 100 hours community service/ 2 year restraining order
OFFENCE/ DATE	Harassment in January 2008
COURT/ DATE	Kingston Magistrates' Court on 10/07/08
DISPOSAL	3 months imprisonment / 100 hours community service/ 2 year restraining order

We are satisfied that the facts of each allegation have been established based on Mr Ahmed's admissions and on the agreed statement of facts.

Findings as to Unacceptable Professional Conduct/Conviction of a Relevant Offence

Mr Ahmed admitted that his conduct amounted to unacceptable professional conduct and that the convictions were in respect of relevant offences. Whilst noting these admissions, we formed our own view about these matters based on the evidence presented.

We firstly considered the convictions for harassment on 10 July 2010. We are satisfied that these were convictions for relevant offences having regard to the serious sentence imposed, including a suspended sentence of imprisonment, a community service order and a 2 year restraining order. These are significant penalties reflecting the serious view that the court took of the matter. In addition, the girl to whom distress was caused was aged between 16 and 17 years. As a secondary school teacher, this was within the age range of pupils that Mr Ahmed

might have taught. We are, therefore, satisfied that the convictions were for offences which are materially relevant to Mr Ahmed's fitness to be a registered teacher.

In relation to allegations 1 and 2, we are satisfied that Mr Ahmed's actions amounted to unacceptable professional conduct. We acknowledged that these were the actions that formed the basis of the findings of harassment which resulted in the convictions on 10 July 2010. This was misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. Although this occurred outside of school, it was relevant to teaching, having regard to the age of the girl concerned. The conduct was likely to adversely impact on public confidence in the teaching profession.

In relation to allegation 3, Mr Ahmed admits that he falsified a pupil's examination coursework grade for which he received a first and final written warning from his employer. We are satisfied that this was unacceptable professional conduct, having regard to the deliberate nature of the attempt to deceive an external moderator.

In relation to allegation 4, Mr Ahmed admits behaving inappropriately towards female colleagues in 2002. We noted that this was dealt with by the school at a meeting on 18 December 2002, when Mr Ahmed apologised for his behaviour involving use of sexual innuendo and stated he did not appreciate that he had caused offence. We are satisfied that this was unacceptable professional conduct on the basis that it was behaviour which undermined and caused offence to other members of staff.

In relation to allegation 5, Mr Ahmed admits inappropriately restraining a pupil in November 2003 which potentially jeopardised the health, safety and wellbeing of the pupil. We are satisfied that this conduct was unacceptable professional conduct having regard to the clear failure to comply with the school's restraint policy. In addition, when interviewed, Mr Ahmed said that he had not reported the incident as required by the school policy as he was already subject to a final written warning. This indicates an element of concealment on Mr Ahmed's part.

In relation to allegation 6, we are satisfied that Mr Ahmed's actions amounted to unacceptable professional conduct having regard to the inappropriate nature of the comments and the fact that they were made to a newly qualified female teacher in the presence and hearing of pupils. This caused the teacher to feel undermined. We have taken into account the fact that Mr Ahmed had been warned about his conduct towards female colleagues in 2002'.

Panel's Recommendation to the Secretary of State

"We have carefully considered Mr Ahmed's written statement dated 5 May 2012 and noted Mr Ahmed's expression of remorse and the effect that these incidents have had upon his personal life. Mr Ahmed has also acknowledged in his statement that being a teacher requires the need to conduct himself with professional integrity within the educational setting and in public. We have noted the voluntary work that Mr Ahmed has been involved in. We have also considered the character references provided.

We have decided to recommend a Prohibition Order for the following reasons.

Mr Ahmed was convicted of serious criminal offences which resulted in a significant sanction. The offences and the circumstances leading to them are relevant to his fitness to be a teacher and the maintenance of public confidence in the teaching profession.

Despite Mr Ahmed's admissions and his expressions of remorse, we are dealing with conduct that has taken place over a number of years. The inappropriate behaviour continued despite Mr Ahmed receiving a final written warning in 2002, being warned about his behaviour in 2002 and 2003 and a second final warning in October 2006. The repeated nature of the conduct indicates a deep-seated attitude towards non-compliance with school policies and the professional conduct expected of a teacher. Mr Ahmed's misconduct was consistently inappropriate and he undermined the profession, the school and colleagues.

We are satisfied that this is a proportionate sanction.

The Panel recommends that the period after which Mr Ahmed may apply for the Prohibition Order to be set aside should be 5 years'.

Secretary of State's Decision and Reasons

I have considered the recommendation of the panel in respect of this case. Mr Ahmed has admitted to a serious range of behaviours which have been committed over a number of years. I am therefore accepting the recommendation of the panel that Mr Ahmed receives a prohibition order.

I have also considered the panel's recommendation in respect of the period of time after which Mr Ahmed can apply for the Prohibition Order to be set aside. The seriousness and the frequency of the offences take the review period above the minimum period of 2 years. I therefore also accept the panel's recommendation of a 5 year period before which no review is possible.

This means that Mr Saghir Ahmed 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 18 May 2017, 5 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 Saghir Ahmed remains barred from teaching indefinitely.

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

Mr Saghir Ahmed 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: 14 May 2012