

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Moniruz Zaman  
**Teacher ref no:** 06/73135  
**TA Case ref no:** 8131  
**Date of Determination:** 1<sup>st</sup> June 2012  
**Former Employer:** Leigh Technology Academy, Dartford, Kent

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 1<sup>st</sup> June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Moniruz Zaman.

The Panel members were Mr Peter Monfort (Professional Panellist– in the Chair), Mr Chris Kiernan (Professional Panellist) and Mr Nicholas Andrew (Lay Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Mr Maurice Burns. The case proceeded by way of meeting and Mr Burns was therefore not present.

Mr Moniruz Zaman was not present and was not represented.

The meeting took place in private. The decisions were announced in public and recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notice of Meeting dated 15 March 2012.

It was alleged that Mr Moniruz Zaman was guilty of unacceptable professional conduct, in that:

Whilst employed as a teacher at the Leigh Technology Academy between 1 September 2007 and 17 September 2007, he:

1. Entered into an inappropriate relationship with pupil A in that he:
  - a. Communicated with pupil A on Facebook about personal matters in around July or August 2010;
  - b. Spoke to pupil A by telephone about personal matters in around July or August 2010;

- c. Spent the night with pupil A in his car on or around 11 August 2010;
- d. His actions at 1(c) above took place after pupil A's mother told him she was concerned about his contact with pupil A.

Mr Zaman had admitted all of the allegations and that the allegations amounted to unacceptable professional conduct by way of Notice of Referral form signed by him on 27<sup>th</sup> August 2011 and Statement of Agreed facts dated 12<sup>th</sup> October 2011.

### **C. Summary of Evidence**

#### Documents

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

- Section 1 – Notice of Meeting and Response Pro Forma (4 pages)
- Section 2 - Agreed facts and representations (6 pages)
- Section 3 - TA documents (19 pages)
- Section 4 – Teacher documents (4 pages)

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

### **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 relates to a teacher who entered into an inappropriate relationship with a pupil by communicating with her in relation to personal matters on facebook, on the telephone and by spending a night with her in his car. The latter incident took place after concerns had been raised by the pupil's mother concerning the teacher's relationship with the pupil.

#### Findings of fact

The allegation and particulars of allegation in the case are as follows:

Whilst employed as a teacher at the Leigh Technology Academy between 1 September 2007 and 17 September 2007, he:

1. Entered into an inappropriate relationship with pupil A in that he:
  - a. Communicated with pupil A on Facebook about personal matters in around July or August 2010;

- b. Spoke to pupil A by telephone about personal matters in around July or August 2010;
- c. Spent the night with pupil A in his car on or around 11 August 2010;
- d. His actions at 1(c) above took place after pupil A's mother told him she was concerned about his contact with pupil A.

Our findings of fact are as follows:

We have found all of the particulars of allegation proved. All of the facts were admitted by Mr Zaman by way of the statement of agreed facts dated 12 October 2011.

We form the view that it is not determinate of whether particular of allegation 1(c) is proved if he was inside or outside the car for various periods during the relevant time.

#### Findings as to Unacceptable Professional Conduct

We find Mr Zaman guilty of unacceptable professional conduct.

The admitted and proved facts amount to misconduct of a serious nature and demonstrate a significant falling short of the standard of behaviour expected of a teacher.

There has been a breach of several elements of the Teachers' Standards including part one paragraph 8 bullet point 2 (*'develop effective professional relationships with colleagues, **knowing how and when to draw on advice and specialist support**'*) and part two bullet point 1 sub-bullet points 1 and 2 (*'**treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position / having regard for the need to safeguard pupil's well-being, in accordance with statutory provisions.**'*).

Mr Zaman established inappropriate links with the pupil through Facebook and despite a number of inappropriate telephone conversations taking place he failed to encourage her to take advice from others and failed to take advice himself in relation to the developing inappropriate relationship. Instead he also spent a night with the pupil in his car. His relationship with the pupil demonstrated a failure to observe proper boundaries appropriate to a teacher's professional position. He failed to show regard to the need to safeguard the well-being of the pupil. We also note that Mr Zaman failed to act on the suicidal thoughts of the pupil, which should have been reported to a designated child protection officer. Matters remained private between himself, the pupil and the pupil's parents but Mr Zaman's actions carried the potential to bring the profession in the disrepute, particularly if they had become more public.

#### **Panel's Recommendation to the Secretary of State**

The panel concluded that in its judgment it should recommend the imposition of a Prohibition Order by the Secretary of State in this case. The panel recommends that

Mr Zaman be allowed to apply to have the Prohibition Order reviewed after a minimum period of 2 years should he so wish.

The panel has concluded that on balance the teacher's behaviour is incompatible with being a teacher on the grounds that his behaviour represents:

- i) A serious departure from the personal and professional conduct elements of the latest Teachers' Standards, as published by, or on behalf of, the Secretary of State.
- ii) Misconduct seriously effecting the well-being of a student.
- iii) An abuse of position / trust, in particular relating to a vulnerable child.

The panel also took the view that a Prohibition Order was appropriate in the interest of maintaining public confidence in the profession.

It was also the panel's view that Mr Zaman had failed to uphold proper standards of conduct, which further warranted the recommendation of the imposition of a Prohibition Order.

In coming to these conclusions the panel took the following into account :

- i) Mr Zaman showed no signs of having learnt from the experience either during or subsequent to the events.
- ii) Mr Zaman justifies his actions by referring to pupil A's suicide threats, but took none of the steps appropriate in dealing with a credible suicide threat, such as reporting his concerns to the school's designated child protection officer.
- iii) The panel noted that Mr Zaman is relatively inexperienced and recently qualified but nevertheless felt that as a newly qualified teacher his understanding of child protection issues should have been at the forefront of his mind given the high profile nature of safeguarding as delivered through teacher training and in-service provision in schools.
- iv) The panel considered mitigation and accepted that the teacher's actions were not deliberate in that they generally involved acquiescence on his part. The panel agreed that he had been put under pressure by the student but did not conclude that this amounted to duress. The panel accepted that he presents with a previous good history. The panel did not however conclude that the mitigating circumstances had enough weight to effect the conclusion that the imposition of a Prohibition Order should be recommended.

### **Secretary of State's Decision and Reasons**

**I have given careful consideration to the panel's recommendation in this case. The panel have found the facts of the allegation proven and found that those facts amount to unacceptable professional conduct. The panel observe that this is a serious case in which the teacher shows little insight. I note that the panel did consider mitigating factors but on balance found that the public interest lay with a recommendation to prohibit.**

**I have decided to support that recommendation; the actions found proved were serious departures from the standards and were an abuse of trust.**

**I have also given careful consideration to the issue of the review period and I support the recommendation that the period of review should be 2 years. This is the minimum period allowable in the legislation.**

This means that Mr Moniruz Zaman 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 June 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 Moniruz Zaman remains barred from teaching indefinitely.

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

Mr Moniruz Zaman 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: 1 June 2012**