

## THE TEACHING AGENCY

### Decision of a Professional Conduct Panel

**Teacher:** Mr Fraz Hussain

**TA Case ref no:** 8379

**Date of Determination:** 18 May 2012

**Former Employer:** Blakewater College, Blackburn

#### **A. Introduction**

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on 18 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Fraz Hussain.

The Panel members were Ms Sheba Joseph (Professional Panellist), Mr John Pemberton (Professional Panellist) and Mr Chris Keirnan (Lay Panellist – in the Chair ).

The Legal Adviser to the Panel was Christopher Alder of Blake Lapthorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Fiona Butler of Browne Jacobson Solicitors. Ms Butler was not present during the meeting.

Mr Hussain was not present and was not represented during the meeting.

Mr Hussain requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape-recorded.

#### **B. Allegations**

The Panel considered the allegation set out in the Notice of Referral dated 19 October 2011.

It was alleged that Mr Hussain had been convicted of a relevant offence, namely:

1. OFFENCE/DATE: Theft by employee between 04/02/11 and 05/02/11.  
COURT/DATE: Preston Crown Court on 13/07/11  
DISPOSAL: Suspended imprisonment 26 weeks, wholly suspended 12 months; unpaid work requirement 200 hours; supervision requirement; costs £300.00
2. OFFENCE/DATE: Theft by employee on 04/02/11  
COURT/DATE: Preston Crown Court on 13/07/11

DISPOSAL:                   Suspended imprisonment 26 weeks concurrent; wholly suspended 12 months; unpaid work requirement 200 hours; supervision requirement

Mr Hussain admitted the facts of the allegation and accepted that those facts amounted to the conviction of a relevant offence.

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

#### Documents

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

1.     Section 1     Response Proforma and Notice of Meeting white pages 1-4
2.     Section 2     Statement of Agreed Facts blue pages 1-5
3.     Section 3     GTC Documents yellow pages 1-6
4.     Section 4     Statement of mitigation purple page 1

In addition, the Panel agreed to accept the following:

1.     email from the Teacher dated 8 May 2012
2.     email from the Presenting Officer dated 11 May 2012
3.     email from the Teacher dated 13 May 2012

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

### **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 meeting.

#### Summary

Mr Hussain was employed by Blakewater College, Blackburn. On 13 July 2011 he was convicted at Preston Crown Court of two counts of theft following his guilty plea. The counts record that he was convicted of the theft of computer software from the College.

#### Findings of fact

The Panel considered the allegation set out in the Notice of Referral dated 19 October 2011.

It was alleged that Mr Hussain had been convicted of a relevant offence, namely:

1. OFFENCE/DATE: Theft by employee between 04/02/11 and 05/02/11.  
COURT/DATE: Preston Crown Court on 13/07/11  
DISPOSAL: Suspended imprisonment 26 weeks, wholly suspended 12 months; unpaid work requirement 200 hours; supervision requirement; costs £300.00
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COURT/DATE: Preston Crown Court on 13/07/11  
DISPOSAL: Suspended imprisonment 26 weeks concurrent; wholly suspended 12 months; unpaid work requirement 200 hours; supervision requirement

Our findings of fact are as follows:

We have found the factual particulars of the allegation against Mr Hussain proven.

Mr Hussain accepted that he had been convicted of the offences set out in the Notice of Referral. We considered carefully the Statement of Agreed Facts. We also considered the certificate of conviction and Police National Computer Record dated 15 August 2011.

#### Findings as to the Conviction of a Relevant Offence

Having found the facts of the allegation proven we further find that Mr Hussain's conviction amount to the conviction of a relevant offence. We have noted that he has accepted that his conviction does amount to a relevant offence.

We have decided that the offences for which Mr Hussain has been convicted have the potential to bring the profession into disrepute and to undermine public confidence in the profession. The offences for which Mr Hussain has been convicted are offences of serious dishonesty in accordance with the Theft Act 1968 and involve theft of computer equipment from the College at which he was working.

#### Recommendation as to Sanction

We have considered this case very carefully and have considered all of the mitigation presented by Mr Hussain which includes representations which he has sent to the Agency on 8 and 13 May 2012. We note that he has accepted the allegation and that his conviction is of a relevant offence. We have taken into account his representations that he has provided regarding the personal pressures which he been under at the time he committed theft.

We have considered whether to conclude this case without imposing a sanction but we have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have been concerned by Mr Hussain's behaviour and note that the offence of which he was convicted is very serious. He was convicted of two counts of theft of College computer equipment.

Mr Hussain's theft of computer equipment from his College was deliberate, dishonest and represents a serious departure from the personal and professional conduct standards which are to be expected of the profession. Mr Hussain was in a position of trust within the College and his theft is to act in breach of the trust which was placed in him. We are of the view that Mr Hussain's behaviour has the potential to undermine the reputation of the profession and to damage public confidence in the standards expected of Teachers.

We have decided that it is appropriate and necessary to recommend that a Prohibition Order is the proportionate sanction to impose in this case. We recommend that it would be appropriate for Mr Hussain to be able to apply for the Order to be set aside after a minimum period of 2 years has elapsed.

We have decided to allow him the opportunity to apply to set aside the Order because we have considered the financial mitigating circumstances which he has referred to. Whilst honesty is a fundamental requirement of the Teacher, it would be proportionate to the issues raised in this case to allow him the opportunity to make an application in the future and we note that there is no evidence of a pattern of dishonesty, other than that which formed the basis of his conviction.

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

**I have considered carefully the recommendation made to me in respect of Mr Hussain.**

**I note that the panel found the facts of the case proven. The panel had both a statement of agreed facts and a certificate of conviction.**

**I note that Mr Hussain accepted that the facts amounted to a relevant criminal conviction and that the panel also found that the facts as found amounted to a relevant conviction.**

**I turn then to the panel's recommendation in respect of sanction. This case involves dishonesty and indeed relates to theft from the teacher's College. It is a clear breach of trust and is serious. I therefore accept the recommendation of the panel that prohibition is a proportionate sanction in this case.**

**I turn next to the issue of review period. The panel have heard Mr Hussain and have considered all of the mitigating factors. They conclude that outside of these incidents there is no further evidence of dishonesty. In the light of their recommendation I agree that Mr Hussain should be able to apply for a review of his prohibition order in 2 years time.**

This means that Mr Fraz 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 25 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 Fraz Hussain remains barred from teaching indefinitely.

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

Mr Fraz 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.

**NAME OF DECISION MAKER: Alan Meyrick**  
**Date: 18 May 2012**