



National College for
Teaching & Leadership

Miss Carmel Rouhani: Professional conduct panel outcome

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

15 September 2015

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

Teacher: Miss Carmel Rouhani
Teacher ref number: 36/56518
Teacher date of birth: 2 May 1987
NCTL case reference: 12258
Date of determination: 15 September 2015
Former employer: Barnfield South Academy, Luton

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 15 September 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Miss Carmel Rouhani.

The panel members were Mr John Pemberton (teacher panellist – chair), Ms Alison Robb-Webb (teacher panellist), and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Harry Bentley.

The hearing took place in public and was tape-recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 13 May 2015.

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

1. Whilst employed as a teacher in Ontario, Canada, she engaged in an inappropriate relationship with a 15-year-old female student (Student A) which included:
 - a. exchanging text messages with Student A on one or more occasions,
 - b. sharing a bed with Student A

2. Her actions described at paragraph 1 led to an investigation by the Ontario College of Teachers, Canada (OCT);
3. On 1 September 2013, she commenced work as a Teacher at Barnfield South Academy, Luton (“the Academy”) and (at that time or a subsequent time) she deliberately failed to disclose that:
 - a. allegations had been made against her in relation to her inappropriate relationship with Student A,
 - b. she was the subject of an investigation by the OCT
4. Her actions set out at paragraph 1 above were sexually motivated.
5. Her actions set out at paragraph 3 above were dishonest.

There had been no response from Ms Rouhani. The panel therefore approached the hearing on the basis that all allegations were denied.

C. Preliminary applications

Service of proceedings

Ms Rouhani had failed to attend the hearing.

However, the panel was satisfied that, by letter of 13 May 2015, Notice of Proceedings was properly sent to Ms Rouhani by post in the document exchange. The address to which the letter of 13 May 2015 was sent was the address contained in the DBS referral form and also in the CV supplied by Ms Rouhani.

The letter of 13 May 2015 also contained the information necessary to be included as set out at paragraph 4.12 of the Teacher Misconduct - Disciplinary Procedures for the Teaching Profession (“the Disciplinary Procedures”).

In the circumstances, the panel was satisfied that the proceedings had been properly served in accordance with paragraphs 4.11 and 4.12

Proceeding in absence

The panel went on to consider whether it was appropriate to proceed in the absence of Ms Rouhani.

The panel had been provided with a service bundle which showed the efforts that had been made to communicate with Ms Rouhani by post, email and telephone to which there had been no response. The panel was satisfied that the NCTL had done everything possible to engage with Ms Rouhani.

The panel concluded that Ms Rouhani had received notice of the hearing but had decided not to respond to such correspondence. The panel found that, on the balance of probabilities, Ms Rouhani was aware of the hearing date but had decided not to engage with the process.

In the circumstances, the panel were satisfied that Ms Rouhani had voluntarily waived her right to attend.

The panel did not believe that an adjournment would serve any purpose. There was no real prospect that Ms Rouhani would attend at the adjourned hearing.

Whilst the allegations were serious, the panel believed that it would be possible to reach proper findings of fact on the basis of the information contained within the documents.

No request for an adjournment having been received, the panel decided that it was in the general public interest that the hearing should proceed.

Consequently, in accordance with paragraph 4.29 of the Disciplinary Procedures, the panel decided that it was appropriate to proceed with the hearing in the absence of Ms Rouhani.

D. Summary of evidence

Documents

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

Section 1	Chronology	pages 2-3
Section 2	Notice of Proceedings and Response	pages 4-11
Section 3	NCTL witness statements	pages 12-18
Section 4	NCTL documents	pages 19-68
Section 5	Service bundle	pages 1a-29a

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from:

Witness A - Vice Principal at the Academy

E. 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.

Brief summary

In 2011, Miss Carmel Rouhani qualified as a teacher in Canada and began employment at F.J. McElligott Secondary School, Canada. She left the school in 2012 for reasons unknown. However, in 2012 to 2013 a complaint was made to Ontario College of Teachers (“OCT”) relating to an allegation that Ms Rouhani had formed an inappropriate relationship with a 15-year-old student. In July 2013, a police investigation was undertaken.

Subsequently, on 15 August 2013, Miss Rouhani signed up to Impact Recruitment and completed safeguarding checks and online assessments.

On 1 September 2013, Ms Rouhani joined Barnfield South Academy (“the Academy”) as a maths teacher on an agency basis through Impact Recruitment Agency.

In November 2013, Miss Rouhani was informed by the OCT that a disciplinary investigation would be taking place.

On 25 April 2014, Miss Rouhani’s contract with the Academy was made permanent.

On 20 May 2014, the OCT sent a letter to the Academy informing them of the allegation and investigation into Miss Rouhani’s conduct. Individual A, Deputy Local Authority Safeguarding Officer (“LADO”), was subsequently contacted on 22 May 2014 and safeguarding procedures were put in place.

On 23 May 2014, Miss Rouhani was suspended from duty until further notice.

An investigatory meeting took place on 5 June 2014 following which a disciplinary hearing was held at the Academy on 20 June 2014 and Miss Rouhani was dismissed from her position.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

1. Whilst employed as a teacher in Ontario, Canada, you engaged in an inappropriate relationship with a 15-year-old female student (Student A) which included:

a. exchanging text messages with Student A on one or more occasions,

The panel relied on the agreed facts contained in a decision of a Discipline Committee of the OCT dated 23 March 2015 and found the following facts proved.

During the 2011–2012 school year, Student A was in a class taught by Miss Rouhani. In June 2012, Miss Rouhani and Student A began to communicate electronically very frequently. During the summer of 2012, Miss Rouhani and Student A developed a personal relationship.

The panel understood that in 2013 Student A's mother became concerned about her daughter's relationship with Miss Rouhani. Student A's father called Miss Rouhani and asked her to "wean herself off" his daughter as he believed his daughter was too attached to Miss Rouhani. Student A's parents discovered, however, that their daughter and Miss Rouhani were still communicating, and several messages had been received by Student A from Miss Rouhani urging her to persuade her parents to allow them to remain in contact.

In or around March 2013, Student A's parents met with Miss Rouhani and explained their concerns. Miss Rouhani agreed to cease contact with Student A, but denied that their relationship was inappropriate. Despite this assurance, Ms Rouhani maintained contact with Student A via email and text having set up new accounts. They also communicated via Face Time.

In May 2013, Student A's mother reported to North Bay Ontario Provincial Police that Miss Rouhani and Student A were involved in an inappropriate relationship.

It subsequently transpired that, between June 2012 and March 2013, approximately 35,000 text messages were exchanged between Miss Rouhani and Student A. In one 12 hour timeframe, Ms Rouhani and Student A had exchanged approximately 264 messages. The nature of the text messages became increasingly intimate over a short period of time and included comments such as, "Omg I love u anyway!!! Finallyyy".

b. sharing a bed with Student A

Whilst Miss Rouhani acknowledged that the relationship was inappropriate, she denied sharing a bed with Student A.

However, in or around February 2013, Miss Rouhani invited Student A to North Bay for an overnight stay. Student A's mother consented to the visit, and Student A travelled to North Bay and stayed overnight at Miss Rouhani's home.

During the course of the investigation, the police discovered several text messages sent from Miss Rouhani to Student A, including, "The whole point of me getting into bed with u was to keep u warm" and "U should have been more committed to waking me up at 7... and u shouldn't have stolen my bed at 4 o'clock in the morning..."

On the basis of such evidence, the panel found, on the balance of probabilities, that Ms Rouhani had shared a bed with Student A.

Taking account of its findings under paragraphs 1a. and 1b. above, the panel found that Ms Rouhani had engaged in an inappropriate relationship with Student A.

2. Your actions described at paragraph 1 led to an investigation by the Ontario College of Teachers, Canada (OCT);

The panel considered the witness statement of Individual B, Intake and Hearings Officer at OCT dated 16 June 2015.

On 8 July 2013, the Ontario Provincial Police notified OCT of a police investigation against Miss Rouhani. The allegations related to an inappropriate relationship between Miss Rouhani and Student A.

The OCT operated a tier system which began with the allegations being considered by an Investigation Committee. At that stage, Ms Rouhani had an opportunity to make representations. The decision of the Investigation Committee confirmed that it had considered submissions from both the regulatory body and Ms Rouhani.

In April 2014, her case was referred to the Discipline Committee when allegations relating to professional misconduct were considered.

On 23 March 2015, Miss Rouhani agreed to a Statement of Facts and pleaded guilty to the allegations against her. Her Certificate of Qualification and Registrant was revoked.

On this basis, as a result of Ms Rouhani's actions, the panel was satisfied that an investigation by OCT took place. This allegation was therefore proved.

- 3. On 1 September 2013, you commenced work as a Teacher at Barnfield South Academy, Luton (“the Academy”) and (at that time or a subsequent time) you deliberately failed to disclose that:**
- a. allegations had been made against you in relation to your inappropriate relationship with Student A,**
 - b. you were the subject of an investigation by the OCT**

The panel heard evidence from Witness A and also considered his investigation report dated 10 June 2014.

The panel was satisfied that Miss Rouhani had received information from Impact Recruitment, and training as part of her induction at the Academy, regarding safeguarding and child protection.

On 15 August 2013, Ms Rouhani had accepted online the terms of the Child Protection Policy of Impact. That policy states, “I am not, nor have I ever been, the subject of any disciplinary relating to working with children and I have never been the subject of any child protection concerns”.

On the same page of that document, it states, “I understand that I am bound to report any concerns to the designated senior person with responsibility and training for child protection matters”.

The Child Protection Policy for the Academy was discussed at the induction training in September 2013 and an electronic version was also available on the Academy’s virtual learning platform.

Whilst it was suggested by Individual A that Ms Rouhani was notified of the investigation by OCT by letter of 21 October 2013, Ms Rouhani stated that it was not until November 2013 that she became aware of the investigation. Even if that was correct, the panel found that Ms Rouhani would have known by November 2013 at the latest that she had an obligation at that time to report the existence and nature of the investigation to both Impact and the Academy yet she failed to do so.

Furthermore, the panel was satisfied that this failure was deliberate. Indeed, at her interview with the Academy on 5 June 2014, Miss Rouhani had accepted that she had failed to inform the Academy of the allegations and investigation and that this had been deliberate.

Consequently, the panel found particulars 3a. and 3b. proved.

4. Your actions set out at paragraph 1 above were sexually motivated.

The panel repeated its findings in relation to allegation 1 above. Furthermore, the panel took account of the entirety of paragraphs 1 to 19 of the decision of the Discipline Committee of the OCT under the heading “Agreed Statement of Facts”. Finally, the panel noted that, in the OCT proceedings, Ms Rouhani had admitted an allegation that she had abused a student sexually.

Taking all the circumstances into account, to include the 35,000 text messages exchanged between Ms Rouhani and Student A over a relatively short period of time together with the content of certain of those messages as outlined above, the only proper inference to be drawn from the evidence was that her conduct was not only inappropriate but was also sexually motivated.

For these reasons, the allegation was found proved.

5. Your actions set out at paragraph 3 above were dishonest.

In her interview with Witness A, it was accepted by Ms Rouhani that she had deliberately withheld from the Academy information regarding the investigation. The panel had found that, from at least November 2013, Ms Rouhani had known about the investigation by the OCT. It only became known to the Academy as a result of the OCT writing to the Academy in May 2014. By that time, Ms Rouhani had applied for, and been appointed to, a position as a full-time teacher at the Academy.

The panel found that it must have been obvious to Ms Rouhani, whether as a result of her training or as a matter of common sense, that she had an obligation to report the fact of the investigation to the Academy. The Academy had an overriding responsibility to safeguard the well-being of its pupils and the subject-matter of the investigation had a direct bearing on such issues. Ms Rouhani would have been well aware of that. She confirmed that she did not report the matter as she wished to put it all behind her. However, such motives were self-serving and she had an overriding obligation to bring such important and relevant matters to the Academy. As stated, the panel found that Ms Rouhani would have been aware of her obligations and she deliberately chose not to report the matter.

Such conduct was, by the standards of honest and reasonable people, dishonest. Furthermore, Ms Rouhani knew that, by those standards, she had acted dishonestly.

Consequently, the panel found this allegation proved.

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

The panel was satisfied that, in respect of the allegations found proved, Miss Rouhani was guilty of unacceptable professional conduct and conduct likely to bring the profession into disrepute. Her behaviour was of a serious nature, falling significantly short of the standard expected of a teacher. The finding that Miss Rouhani had sought to develop a relationship with a pupil which was sexually motivated was very serious, as was her conduct in deliberately, and thereby dishonestly, attempting to conceal information from the Academy which was vital to the well-being of its pupils. In doing so, she had failed:

- a. To demonstrate consistently high standards of personal and professional conduct;
- b. To observe proper boundaries appropriate to her position as a teacher;
- c. To have regard for the need to safeguard the well-being of impressionable children, including pupils;
- d. To act as a role model, taking account of the uniquely influential position a teacher can hold in pupils' lives;
- e. To act with integrity.

Panel's recommendation to the Secretary of State

The panel was satisfied that Ms Rouhani's behaviour was incompatible with being a teacher for the following reasons:

- These were serious departures from the personal and professional conduct elements of the Teachers' Standards as outlined above;
- The panel had found that Ms Rouhani's conduct was not only inappropriate but also sexually motivated, as it had put at risk the welfare of students;
- Ms Rouhani had persisted in her behaviour despite being made aware of the concerns of Student A's parents and despite Student A's parents requesting her to avoid further contact with their child;
- Ms Rouhani had exploited her position of trust in a wholly unacceptable manner. The level and nature of the contact between her and Student A was excessive and unacceptable;
- The actions of Ms Rouhani were deliberate and there was no suggestion that she had been acting under duress;
- As stated, her conduct did not relate to an isolated incident but had continued over a number of months and this was in spite of warnings and requests for her to desist from such behaviour;

- Although there was some acceptance of her conduct, Ms Rouhani had shown little insight into her behaviour and had shown little remorse, although there appeared to be some acceptance of the inappropriateness of her behaviour at the interview at the Academy in June 2014;
- Ms Rouhani then deliberately and dishonestly withheld important information from the Academy in order to secure a position of employment;
- The pattern of conduct demonstrated a deep-seated attitude that leads to harmful behaviour.

There was no material which amounted to mitigation before the panel. The only point which could be made which could be drawn from the documents before the panel and which was supportive was that, in the time Ms Rouhani taught at the Academy in the period from September 2013 to April 2014, there were no concerns in relation to her conduct or the standard of her teaching.

Ms Rouhani had chosen not to attend to provide her account and therefore to mitigate on her own behalf. She had not provided any character references or testimonials.

The panel concluded that, if allowed to continue as a teacher, there was a risk of repetition of the sort of behaviour which had led to these proceedings. The panel reached this conclusion in the absence of any evidence to reassure it that there was no such risk or that such a risk was negligible.

The panel was satisfied that a prohibition order was necessary in order to: protect pupils; maintain public confidence in the profession and to declare and uphold proper standards of conduct. The panel felt that this was proportionate, having weighed the interests of the public against those of Ms Rouhani. This was the panel's recommendation.

The panel further considered whether to recommend that Ms Rouhani should be able to apply for the prohibition order to be set aside after a specified period or whether there should be no such provision.

Again, in the light of its findings, the seriousness of the allegations found proved and the absence of any evidence which may have persuaded the panel to take a different course, the panel recommended that Ms Rouhani should be denied the right to apply for a review of the prohibition order.

Decision and reasons on behalf of the Secretary of State

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

I am satisfied that Ms Rouhani's behaviour was incompatible with being a teacher. This is because her behaviour was a serious departure from the personal and professional conduct elements of the Teachers' Standards. Ms Rouhani's conduct was not only inappropriate but also sexually motivated, and it had put at risk the welfare of students. Ms Rouhani had persisted in her behaviour despite being made aware of the concerns of Student A's parents and despite Student A's parents requesting her to avoid further contact with their child. Ms Rouhani exploited her position of trust in a wholly unacceptable manner. The level and nature of the contact between her and Student A was excessive and unacceptable. In the view of the panel, Ms Rouhani's actions were deliberate and there was no suggestion that she had been acting under duress.

I note that the panel accepted that there was some acceptance of her conduct, but that Ms Rouhani had shown little insight into her behaviour and had shown little remorse, although there appeared to be some acceptance of the inappropriateness of her behaviour at the interview at the Academy in June 2014.

The panel has also found that Ms Rouhani deliberately and dishonestly withheld important information from the Academy in order to secure a position of employment. That pattern of conduct demonstrated a deep-seated attitude that leads to harmful behaviour.

The panel has not identified any material which substantially amounted to mitigation. I have noted that during the period from September 2013 to April 2014, there were no concerns in relation to her conduct or the standard of her teaching.

I support the recommendation of the panel that a prohibition order was necessary in order to: protect pupils; maintain public confidence in the profession and to declare and uphold proper standards of conduct. I have determined that that is a proportionate response which balances the interests of the public against those of Ms Rouhani.

I also support the panel's recommendation that there should be no review period. In the light of its findings, the seriousness of the allegations found proved and the absence of any evidence which may have persuaded the panel to make a different recommendation, I agree that there should be no review period.

This means that Miss Carmel Rouhani is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Miss Carmel Rouhani shall not be entitled to apply for restoration of her eligibility to teach.

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

Miss Carmel Rouhani has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 17 September 2015

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