



National College for
Teaching & Leadership

Mr Amar Raza Hussain: Professional conduct panel outcome

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

December 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Mr Amar Raza Hussain
Teacher ref number: 0535783
Teacher date of birth: 20 October 1978
NCTL case reference: 15406
Date of determination: 8 December 2016
Former employer: Lawnswood High School, Leeds

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 8 December 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Amar Raza Hussain.

The panel members were Ms Fiona Tankard (teacher panellist – in the chair), Mr John Armstrong (lay panellist) and Ms Susan Iannantuoni (lay panellist).

The legal adviser to the panel was Ms Victoria Callicott of Eversheds LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 16 November 2016.

It was alleged that Mr Hussain was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he failed to maintain appropriate professional standards whilst working as a teacher at Lawnswood High School (“the School”) when:

1. On 18 April 2016, he viewed a pornographic video and/or pornographic images whilst teaching a year 7 class;
2. On 18 April 2016, he brought a USB stick into the School containing pornographic videos and/or pornographic images;
3. By his actions set out at 1 and/or 2 above he created a situation whereby young pupils could have been exposed to inappropriate materials namely pornographic videos and/or pornographic images.

Mr Hussain admits the facts of the allegations and that they amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute in the Notice of Referral Form signed by Mr Hussain on 8 September 2016 and in the Statement of Agreed Facts signed by Mr Hussain on 26 October 2016.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegations should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Hussain has requested a meeting and the panel has the benefit of Mr Hussain’s representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded by way of a meeting, there would be a public announcement of the panel’s decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1: Chronology– page 2

Section 2: Notice of Referral, response and Notice of Meeting – pages 4 to 9b

Section 3: Statement of Agreed Facts and Representations – pages 11 to 15

Section 4: NCTL documents – pages 17 to 76

Section 5: Teacher documents – pages 78 to 94

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

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Hussain was registered as a supply teacher with a third party recruitment company from 13 May 2014. Mr Hussain commenced work as a supply teacher at Lawnswood High School (the “School”) on or around 4 January 2016. On 18 April 2016, the School’s safeguarding software detected that pornographic material was being viewed from a USB device on the School’s network. The School’s safeguarding software provider reported this to the School and identified Mr Hussain as the IT user. The School’s safeguarding software provider also provided the School with a pixelated image of the pornographic material viewed. The headteacher was notified and met with Mr Hussain to discuss the allegation.

On 20 April 2016, Mr Hussain was suspended from the School and informed that the LADO would be informed about the incident. On 21 April 2016, an urgent LADO safeguarding meeting took place. A further safeguarding meeting took place on 26 April 2016.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you, Mr Hussain, proven, for these reasons:

1. On 18 April 2016, you viewed a pornographic video and/or pornographic images whilst teaching a year 7 class;

The panel notes Mr Hussain's admissions of the facts underlying this allegation in his Notice of Referral Form (p.8 and p.9), in the Statement of Agreed Facts (p.11 and p.12), and in the letter from Mr Hussain's representatives dated 9 August 2016 (p.78 to p.80).

The panel notes that a note from an employee of the School on 20 April 2016 states that Mr Hussain had admitted to viewing a pornographic video during a cover lesson on 18 April 2016 (p.72). The panel notes that the School's safeguarding software supplier's weekly report for 12 April 2016 to 18 April 2016 shows an entry reporting that Mr Hussain accessed a pornographic video at 12:47 on 18 April 2016 (p.73).

The panel therefore finds this allegation proven.

2. On 18 April 2016, you brought a USB stick into the School containing pornographic videos and/or pornographic images;

The panel notes Mr Hussain's admissions of the facts underlying this allegation in his Notice of Referral Form (p.8 and p.9), in the Statement of Agreed Facts (p.11 and p.12), and in the letter from Mr Hussain's representatives dated 9 August 2016 (p.78 to p.80).

The panel notes that a note from an employee of the School on 20 April 2016 states that Mr Hussain had admitted to having a memory stick with pornographic images on it in the School (p.72).

The panel therefore finds this allegation proven.

3. By your actions set out at 1 and/or 2 above you created a situation whereby young pupils could have been exposed to inappropriate materials namely pornographic videos and/or pornographic images.

The panel notes Mr Hussain's admissions of the facts underlying this allegation in his Notice of Referral Form (p.8 and p.9), in the Statement of Agreed Facts (p.11 and p.12) and in the letter from Mr Hussain's representatives dated 9 August 2016 (p.78 to p.80).

The documents of the School confirmed that when questioned about the incident, a pupil had reported that Mr Hussain had left his desk during the lesson to check pupils' work (p.71). The School's documents show that the pupil's recollection had been corroborated by a teaching assistant in the class room at the same time (p.72). As Mr Hussain was

viewing the images whilst he was in a classroom, this created a possibility that any pupil could have seen the images Mr Hussain was viewing (albeit the panel found the likelihood of this to be low).

The panel therefore finds this allegation proven.

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

Having found the allegations proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers (“the Advice”).

The panel notes that unacceptable professional conduct is defined as misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In making a judgement as to whether the behaviour demonstrated falls significantly short of the standard expected of a teacher, the panel has drawn on its own knowledge and experience of the teaching profession as well as the Teachers’ Standards.

The panel is satisfied that the conduct of Mr Hussain in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Hussain is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession. Mr Hussain accessed pornography through the School’s network whilst teaching a class. Mr Hussain’s attention was diverted from teaching his pupils, therefore he was not providing them with the mutual respect and dignity that the class deserved. Mr Hussain also knew, or ought to have known, that viewing such images on the School’s network would be a breach of the School’s IT policy and therefore deliberately breached this policy. Mr Hussain also ran what the panel considered to be an unacceptable risk of the images’ being seen by pupils.

Further, the panel finds it persuasive that Mr Hussain admits that his conduct did amount to unacceptable professional conduct in the undated Notice of Referral Form (p. 8 and p. 9) and in the Statement of Agreed Facts (p.11 and p.12).

The panel has also considered whether Mr Hussain's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Although the case involves potential sexual activity, the panel has considered whether Mr Hussain took pleasure from viewing sexual images in front of children but finds there is no evidence to support any such assertion. The panel does not consider any of the offences to be relevant.

Accordingly, the panel is satisfied that Mr Hussain is guilty of unacceptable professional conduct.

The panel has taken into account the way the teaching profession is viewed by others and has considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

Mr Hussain accepts in the Notice of Referral (p. 8 and p. 9) and in the Statement of Agreed Facts (p.11 and p.12) that his conduct amounts to conduct that may bring the profession into disrepute.

The panel considers that the general public would consider it neither appropriate nor acceptable to view pornography whilst at work, particularly whilst Mr Hussain was in charge of pupils in a class and should have been focused on teaching. Further, Mr Hussain ran the risk of the images' being viewed by pupils. Therefore his conduct would be viewed negatively by the public particularly in light of the unique role that teachers can hold, potentially damaging the public perception of the profession.

The panel therefore finds that Mr Hussain's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Hussain, which concerned viewing pornographic images on the School's system whilst he was supposed to be teaching pupils, there is a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Mr Hussain was outside that which could reasonably be tolerated, particularly in light of the fact that he ran the risk of pupils' viewing the images.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hussain were not treated with the utmost seriousness when regulating the conduct of the profession.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Hussain.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hussain. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, the one that is relevant is a serious departure from the personal and professional conduct elements of the Teachers' Standards.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order's being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

There was no evidence that Mr Hussain's actions were not deliberate. In fact, Mr Hussain's actions were premeditated given that he had in his possession images on a USB stick whilst on the School premises.

Mr Hussain has however adduced evidence of mitigation that he was going through a traumatic period at the time with the death of his father and his mother's [redacted] (p.91

to p.94). This is also corroborated by the transcript of the telephone conversation between Mr Hussain and the third party recruitment agency (p.68), in the letter dated 3 August 2016 from his therapist and the letter dated 5 August 2016 [redacted](p.89 and 90). Mr Hussain has also provided numerous references from peers and former colleagues which attest to Mr Hussain's abilities as a teacher (p.85 to p.89).

Despite these mitigating factors, given the nature of the allegations that the panel has found proven, the panel is of the view that a prohibition order is proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Hussain particularly when it comes to the maintenance of public confidence in the profession. Given that not only, Mr Hussain was viewing pornographic material whilst on the School's network and teaching a class but he ran the unacceptable risk of pupils' viewing the images. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice suggests that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. Although there was an element of sexual misconduct involved in the allegations of Mr Hussain, the panel does not consider the act to be sexually motivated or that it resulted in or had the potential to result in, harm of a sexual nature to a person or persons. The panel does not therefore consider this to be relevant to Mr Hussain's case.

The panel notes that Mr Hussain has shown remorse for accessing the material but notes that Mr Hussain is relying on his personal circumstances to excuse his behaviour, thereby showing some lack of insight into the severity of his behaviour. Mr Hussain is an experienced teacher and should be well aware of the proper standards of conduct expected of teachers.

Given that the seriousness of the behaviour is at the lower end of the spectrum, the panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years. The panel considers that this should allow Mr Hussain the opportunity to reflect on his own behaviour so as to ensure that there is no risk of the occurrence of similar incidents in the future.

Decision and reasons on behalf of the Secretary of State

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

This was a case where the teacher admitted the allegations and also admitted that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

In this case the panel has found that Mr Hussain is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession. Mr Hussain accessed pornography through the School's network whilst teaching a class.

The panel has gone on to consider the way the teaching profession is viewed by others and has considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

I have given careful consideration to balancing the interests of Mr Hussain with the wider public interest. I have also taken into account the need to be proportionate. I have noted the elements of mitigation in this case.

On balance I support the recommendation of the panel. Mr Hussain should be prohibited from teaching.

I have gone on to consider the recommendation made by the panel concerning a review period. I agree with the panel that the seriousness of the behaviour is at the lower end of the spectrum. I agree that a review period would be appropriate and agree that it would be proportionate in all the circumstances for the prohibition order to be with provisions for a review period of 2 years.

This means that Mr Amar Raza 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 19 December 2018, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will

meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Amar Hussain remains prohibited from teaching indefinitely.

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

Mr Amar 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.

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

Decision maker: Alan Meyrick

Date: 9 December 2016

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