



National College for
Teaching & Leadership

Mr Jahangir Akbar: Professional conduct panel outcome

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

December 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	6
D. Summary of evidence	8
Documents	8
Witnesses	9
E. Decision and reasons	17
Findings of fact	19
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	33
Panel's recommendation to the Secretary of State	34
Decision and reasons on behalf of the Secretary of State	36

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

Teacher: Mr Jahangir Akbar

Teacher ref number: 0731974

Teacher's date of birth: 27 October 1977

NCTL case references: 12098

Date of determination: 16 December 2015

Former employer: Oldknow Academy, Birmingham

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 6, 9 to 13 and 16 to 18 November 2015 at The Beeches, Selly Oak Road, Bourneville, Birmingham B30 1LS and on 3, 4, 8, 10 and 16 December 2015 at the Hilton Hotel, Paradise Way, Walsgrave Triangle, Coventry CV2 2ST to consider the cases of Mr Jahangir Akbar.

The panel members were Mr John Pemberton (teacher panellist – in the chair), Ms Nicolé Jackson (lay panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Mr Christopher Gillespie of Counsel, instructed by Nabarro LLP, solicitors. (Mr Christopher Geering of Counsel appeared as presenting officer on 16 December 2015 only.)

Mr Akbar was present throughout the hearing. He was represented by Mr Andrew Faux, of Counsel and Mr Colin Henderson, solicitor of NAHT until 10 December 2015, when he ceased to be represented by Mr Faux. On 16 December 2015, Mr Akbar was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations against Mr Jahangir Akbar set out in the Notice of Proceedings dated 3 September 2015.

It was alleged that Mr Akbar was guilty of unacceptable professional conduct / conduct that may bring the profession into disrepute in that:

1. On or before 31 July 2014 he agreed to the inclusion of an undue amount of religious influence in the education of pupils at Oldknow Academy (“the School”) by:
 - a. Placing improper pressure on members of staff, who were considered unsympathetic to that aim to leave their employment,
 - b. Promoting the appointment of staff who might assist with that aim,
 - c. Reforming the School curriculum:
 - i to include greater emphasis on religion,
 - ii to decrease the diversity of religious education,
 - iii to exclude the proper teaching of Sex and Relationship education,
 - iv to reduce the performance of music,
 - v to reduce the pupils’ participation in art.
 - d. Organising and/or delivering assemblies and/or meetings of an overly religious nature and/or with inappropriate content.
 - e. Separating boys from girls in some classes.
 - f. Eliminating the celebration of a diverse range of cultural events including:
 - i Christmas
 - ii Diwali.
2. His conduct as described at paragraph 1 above tended to undermine tolerance and/or respect for the faith and beliefs of others.

3. His conduct as described in paragraph 1b above was in breach of proper recruitment procedures in that:
 - a. He failed to declare conflicts of interest,
 - b. He failed to prevent discrimination in the appointment process.
4. When Parent A raised concerns about his daughter's education he:
 - a. Reacted inappropriately and shouted at him on 19 December 2013,
 - b. Failed to take any appropriate action to deal with his concerns thereafter,
 - c. Reacted inappropriately when subsequently informed that his daughter was being bullied.
5. On 30 June 2014 he instructed the School's Human Resources Manager to omit governors who did not have a current Disclosure and Barring Service check from the Single Central Record ("SCR") prior to inspection by the Education Funding Agency ("EFA").
6. His actions as set out at paragraph 5 above were:
 - a. Misleading
 - b. Dishonest.
7. He put pressure on staff to countersign cheques for expenditure on the services of Stone King solicitors and/or Politics in Brum that had not been properly authorised.
8. He allowed members of Oldknow Parents Association to have unrestricted and/or unaccompanied access to the School, without them having undergone Disclosure and Barring Service checks.
9. His actions as set out at paragraphs 4c, 5 and/or 8 above constituted safeguarding risks.
10. He inappropriately attempted to prevent members of staff from making disclosures to external authorities about events in the School.

C. Preliminary applications

Application to proceed in the absence of Teacher X

A second teacher, Teacher X, was not present and was not represented. The presenting officer made an application that the hearing should proceed in the absence of Teacher X. After hearing representations and receiving legal advice, the chair announced the decision of the panel, as follows:

The panel has decided that the hearing should proceed in the absence of Teacher X for the following reasons:

- The Notice of Proceedings has been sent to Teacher X in accordance with Rule 4.11 of Teacher Misconduct: Disciplinary Procedures for the Teaching Profession;
- The panel is satisfied by all of the evidence presented, including the evidence of communications by post and by email, that Teacher X is aware of the proceedings and has decided not to engage. The panel is satisfied that Teacher X has voluntarily waived his right to attend;
- No application for an adjournment has been made and no purpose would be served by an adjournment;
- There is a public interest in the hearing proceeding promptly.

Application to reconsider joinder

Mr Faux made an application that the panel reconsider the decision that the case of Mr Akbar be heard together with the case of Teacher X. After hearing representations from Mr Faux and Mr Gillespie and receiving legal advice, the chair announced the decision of the panel, as follows:

We have considered very carefully the written and oral submissions made by Mr Faux and Mr Gillespie.

Mr Faux has invited the panel to consider whether the cases against Teacher X and Mr Akbar should continue to be heard together in the light of the decision to proceed in the absence of Teacher X. Mr Faux has asserted that undue prejudice would be caused to Mr Akbar by findings being made on unchallenged evidence against Teacher X. In particular, if such unchallenged evidence is relied upon by the panel in considering whether there was an agreement and, if so, whether Mr Akbar was a party to it.

The panel accepted that it is appropriate to reconsider the joinder of the cases. The panel noted that the allegations against both teachers arise out of the same circumstances and that three witnesses to be called will give evidence relevant to both teachers. The panel has taken into account the unfairness for them to have to give evidence at different

hearings. The panel has also taken into account the safeguards that exist to ensure fairness in the consideration of Mr Akbar's case. These safeguards include the burden of proof on the presenting officer. In addition, the panel is an experienced one and also has the benefit of legal advice from the legal adviser. The panel is confident that it will be able to consider the evidence against each teacher separately and give clear reasons for any decision reached.

In these circumstances, the panel is satisfied that continuing with the hearing against both Teacher X and Mr Akbar in a joint hearing in the absence of Teacher X will not give rise to undue prejudice against Mr Akbar. The panel will keep this in mind throughout the hearing.

Application for directions relating to witnesses

After hearing representations from Mr Gillespie and Mr Faux and receiving legal advice, the chair announced the decision of the panel, as follows:

Mr Gillespie has made an application that three named witnesses be treated as vulnerable witnesses and referred to as Witness A, C and D respectively. In each case, Mr Gillespie submits that the witnesses should be treated as vulnerable witnesses on the basis that they complain of intimidation. Mr Gillespie has requested a direction that the Witnesses A, C and D be allowed to give evidence with the use of a screen.

Mr Gillespie also applied under Rule 4.60 for Witness A, B, C and D not to be referred to by name and that their names and identity should not be referred to throughout the hearing in the interests of justice.

The panel considered the position of each witness separately. In making a determination, the panel has taken into account that Mr Faux does not object to the use of a screen as a special measure. In each case, the panel considered whether the quality of the evidence of the witness is likely to be adversely affected at a hearing. The panel focussed on the evidence of feelings of anxiety and intimidation and whether this is such that it will prevent the witnesses from giving their best evidence in the absence of special measures. The panel acknowledged that such a determination does not represent an adverse finding against Mr Akbar.

The panel is satisfied, based on all of the material and submissions presented, that the quality of the evidence of Witness A, C and D is likely to be adversely affected at a hearing and that they should be treated as vulnerable witnesses. Further that Witnesses A, C and D should be permitted to give evidence with the use of a screen.

The panel further considers that it is in the interests of justice that that the witnesses be referred to throughout the hearing as Witness A, B, C and D and that their name and identity shall not be disclosed.

The panel then considered the application by Mr Faux that three witnesses to be called to give evidence on behalf of Mr Akbar should not be identified during the proceedings and that they should be referred to as Witness P, Q and R. This application is also made under Rule 4.60 on the basis that it is in the interests of justice. Mr Gillespie did not object to this application.

The panel has decided that it is in the interests of justice that the name and identity of the three witnesses shall not be disclosed during the hearing and that the witnesses should be respectively referred to as Witness P, Q and R.

Application to amend allegations

Mr Gillespie made an application to amend the particulars of the allegations against Mr Akbar by deleting paragraphs 1a and b and 3a and b. The panel agreed to the amendment by deletion of these particulars and the renumbering of allegation 1c, d, e and f as 1a, b, c and d and allegations 4 to 10 as 3 to 9 respectively. In addition, within allegation 8 (as renumbered) the panel directed the amendment of the references to 4c, 5 and/or 8 as 3c, 4 and/or 7.

D. Summary of evidence

Documents

In advance of the hearing, the panel received two bundles of documents which included:

File 1 – NCTL statements and documents

Section 1: List of Key People – pages 2 to 3

Section 2: Notice of Proceedings/Referral and Responses – pages 5 to 22

Section 3: NCTL witness statements – pages 24 to 68

Section 4: NCTL documents – pages 70 to 205

File 2 – Teacher statements and documents

Section 5: Witness statement of Jahangir Akbar – pages 1 to 111

Section 6: Exhibits to statement of Jahangir Akbar – pages 112 to 457

Section 7: Teacher's witness statements – pages 458 to 482

In addition, the panel agreed to accept the following documents:

- Oldknow Academy Newsletter dated 4 October 2013 – pages 75A to 75F
- Individual Z self evaluation May 2014 – pages 483 to 508

- DfE Circular 1/94- Religious Education and Collective Worship – pages 509 to 572
- Bundle of Oldknow Academy newsletters from 24 January 2014 to 18 July 2014 – pages 573 to 743

Witnesses

The panel heard oral evidence from the following witnesses called on behalf of the National College, namely:

1. Witness E, Education Adviser.
2. Witness D, employee of the School during relevant period.
3. Parent A, father of former pupil.
4. Witness A, employee of the School during relevant period.
5. Witness B, employee of the School during relevant period.
6. Witness C, employee of the School during relevant period.

At the conclusion of the evidence on behalf of the NCTL, the presenting officer made an application that allegation 3a against Mr Akbar be amended to read ‘at a meeting on or around 19 December 2013’ instead of ‘on 19 December 2013’. Mr Faux did not object to this application. After receiving legal advice, the chair announced the decision of the panel as follows:

The panel has considered the application by Mr Gillespie that allegation 3a against Mr Akbar be amended to read ‘reacted inappropriately and shouted at him at a meeting on or around 19 December 2013’ instead of ‘reacted inappropriately and shouted at him on 19 December 2013’. Mr Faux does not object to the application on behalf of Mr Akbar. Although Teacher X is not present, the amendment does not relate to an allegation against him. The panel is satisfied that the amendment is in the interests of justice and that no unfairness will be caused by the amendment. In reaching this conclusion, the panel has taken into account the fact that it is not in dispute that the meeting between Mr Akbar and Parent A took place and that the precise date on which the meeting occurred is not material to the allegation. Accordingly, the panel agrees to the amendment.

Prior to Mr Akbar giving evidence, Mr Henderson applied to introduce an additional document consisting of an extract from “Keeping children safe in education – statutory guidelines for schools and colleges, April 2014. Mr Gillespie did not object to the introduction of this document and confirmed that it was agreed that this document contained the relevant guidance for Single Central Records in June 2014. The panel agreed to admit this document as page 744.

The panel heard oral evidence from the following witnesses called on behalf of Mr Akbar, namely:

7. Jahangir Akbar
8. Witness P, an employee of the School during relevant period.
9. Witness Q, an employee of the School during relevant period.
10. Witness G, a parent governor of the school from June 2014.
11. Witness H, Senior Regional Officer of NAHT.
12. Witness R, an employee of the School during relevant period.
13. Teacher X

Prior to Witness H giving evidence, Mr Gillespie objected to the witness being called on the basis that the evidence was not relevant. After hearing submissions from Mr Gillespie and Mr Faux, the chair announced the decision of the panel as follows:

We have considered the application that Witness H be permitted to give evidence in accordance with his statement at pages 476 to 482 of the teacher's bundle. The panel has considered the submissions made by Mr Gillespie and Mr Faux. The panel agrees that the expressions of opinion by Witness H, other than those expressed in paragraph 4, are not admissible and will be disregarded. Similarly, the panel will rely upon the submissions of the parties and the advice of the legal adviser as to the law in relation to the requirement for DBS checks and the content of the SCR. The panel accepts that there are parts of Witness H's statement of a factual nature that may reasonably be regarded as relevant and that it would be fair to admit this evidence on the basis that the panel will use its experience to disregard irrelevant material. Accordingly, we will allow Witness H to give evidence to confirm the content of his statement.

Mr Faux applied to introduce additional documents consisting of a governance structure, an email from the Chair of Governors to Mr Akbar dated 14 July 2014 and a spring term assembly rota 2013-2014. Mr Gillespie did not object to the admission of these documents and the panel agreed to admit them as pages 745 to 748.

Application by Teacher X to admit evidence

On 4 December 2015, the panel reconvened to announce its findings. Teacher X attended by Skype and also submitted a 13 page document with accompanying photographs setting out his response to the allegations. Teacher X applied for his documents to be admitted in evidence and to be allowed to give oral evidence. After hearing submissions from Teacher X, Mr Gillespie and Mr Faux and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has given careful consideration to Teacher X's application to admit documents submitted by him and allow him to give evidence. The panel has taken into account submissions made by Teacher X, Mr Gillespie and Mr Faux.

The panel accepted the legal advice that there is discretion to admit further evidence at this stage. In exercising this discretion, the panel considered guidance given by the High Court in the case of *TZ v GMC* [2015] EWHC 1001 (Admin) as follows:

1) What is the relevance of the new evidence?

Mr Gillespie does not dispute the relevance of the additional documents. The panel has read them and agrees that they are relevant.

2) Why had it not been called before?

The panel noted that Teacher X said that, although thorough attempts were made to serve him with the documents, he did not receive notice of the proceedings. The panel noted that there was an issue as to the correct address for Teacher X, both postal and email. In any event, Teacher X has now expressed a desire to participate.

3) What significance does it have in the context of the findings of the panel?

Although the panel had completed its findings of fact and was in a position to announce those findings today, the panel recognised that it has the ability to put any provisional finding in relation to both Teacher X and Mr Akbar to one side and make a determination which takes into account the written or oral evidence of Teacher X.

4) What effects would its admission have on the conduct of the hearing, and in particular on:

a) the need to recall witnesses, and

b) the length of the hearing?

Teacher X's application is that he be permitted to give evidence in addition to the panel considering the additional documents. The panel acknowledges that, if the documents are admitted without Teacher X being able to give evidence, this is likely to affect the weight that the panel can give to the evidence. The panel recognises that there are aspects of Teacher X's case that will not have been put to certain witnesses and it is possible that a request may be made to recall one or more witnesses. However, the panel's provisional view is that it may not be necessary for any witness to be recalled, but the panel will need to consider any application that is made on its merits.

5) Taking all matters into account, would justice be done if it were not received and heard?

Having regard to all of the above factors, the panel has concluded that it would be appropriate to admit the additional documents from Teacher X, but that fairness cannot be achieved without Teacher X having the opportunity to give evidence. Accordingly, the panel has decided that the case should be adjourned to a date for Teacher X to give evidence.

Application by Teacher X to halt proceedings

On 8 December 2015, Teacher X made a second application that the proceedings should be halted and started again before a new panel in order that he could fully participate with legal representation and could cross-examine witnesses and summon his own. The panel agreed that, in order to decide whether it would be fair to continue with these proceedings against Teacher X, it was necessary to determine whether Teacher X was aware of the proceedings. Mr Gillespie conceded that, if the panel was not satisfied that Teacher X was aware of the proceedings, it would not be fair to proceed and the proceedings in relation to Teacher X should be halted.

After hearing evidence from Teacher X and his wife, submissions from Mr Gillespie and Teacher X and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has carefully considered the documents in relation to service, the evidence given by Teacher X and his wife, and the submissions made by Mr Gillespie and Teacher X.

Mr Gillespie has conceded that it would be inappropriate for the panel to rely upon correspondence sent to [redacted] as there is a doubt as to whether the search was in the name of [redacted] or [redacted] and there was no date of birth.

The panel firstly considered the letters sent to Teacher X at an address at [redacted]. The panel noted that this address was given to the NCTL by a governor at Oldknow School. The panel noted that letters sent to this address had been 'returned to sender.' Teacher X said that this was an address of a property that he had rented in London when he was studying for his PGCE and he had not returned there. When at Oldknow school, he was living at an address in Birmingham [redacted]. The panel was not satisfied that correspondence sent to Teacher X at the first address would have come to Teacher X's attention.

Notwithstanding, Mr Gillespie's concession, the panel then considered the evidence of correspondence sent to [redacted]. A report from an enquiry agent showed that a person named [redacted] was shown on the voters' roll at that address between 2014 and 2015. Mr Gillespie acknowledged that there was no date of birth associated with the person

living at that address. A letter addressed to Teacher X at that address was signed for by an individual named [redacted] on 25 March 2015. The panel noted that some letters were returned marked 'return to sender'. Mr Gillespie drew attention to subsequent letters that were marked 'addressee unknown' and 'gone away'. The panel felt unable to attach any significance to the different responses. Teacher X and his wife said in their evidence that they have no knowledge of this address. The panel concluded, after hearing evidence from Teacher X and his wife, that it could not be satisfied that Teacher X was associated with this address or that letters sent to him at this address would have come to his attention. Indeed, when a subsequent search was completed for a [redacted], along with his correct date of birth, two addresses were highlighted, neither of which was the address at [redacted]. The panel noted that the enquiry agent did not make a personal visit to [redacted].

The panel then considered the communications sent to the email address [redacted]. The panel noted that an email sent on 30 July 2015 was headed 'URGENT – National College for Teaching and Leadership proceedings'. The email referred to correspondence that had been sent to Teacher X but returned unopened. The panel was satisfied by the evidence that this email had been received at this email address. The panel also noted that another email was sent to the same address on 11 August 2015 and on this occasion a delivery failure notification was received. Mr Gillespie submitted that it is significant that the email got through on 30 July 2015 but not on 11 August 2015 and that it could be inferred that a deliberate decision had been taken to shut down a form of communication. Subsequent emails sent to see if the email had been reactivated did not get through. Mr Gillespie also referred to confirmation received from Teacher X's current employer in Qatar that the only email address provided by Teacher X was [redacted] and that the last email received from him at that address was sent on 13 October 2014 and the last sent to him at that address was on 20 October 2014. Teacher X and his wife said that this email account was set up by Teacher X's wife when he was applying for his PGCE course and subsequent job applications and was not his primary email account, which was a Hotmail account. Teacher X's evidence was that he used school email accounts for any school related correspondence. Teacher X said that the Gmail address was used as an Apple ID for his children's iPads and his wife had made individual Apple IDs for them. Teacher X's wife confirmed that she had deleted the Gmail account as she was receiving too many game invites and YouTube subscription updates. When Teacher X's wife gave evidence she said that she deleted the account in the summer of 2015. Teacher X's wife could not recall seeing the email dated 30 July 2015, but said that it might have been treated as "spam" and deleted without being read amidst a larger volume of emails received.

The panel carefully considered the evidence as a whole. The panel noted that the various letters were sent to addresses at which Teacher X was not residing when they were sent. The panel could not be satisfied that Teacher X was aware of the proceedings based on the letters sent. The panel considered the submissions in relation to the Gmail account. The panel was satisfied that the email sent on 30 July 2015 was received on Teacher X's

Gmail account and that, before a further email was sent on 11 August 2015, the email account had been deleted. The panel accepted that these factors might give rise to the inference that a deliberate decision had been taken to shut down a form of communication. However, the panel also had to consider the evidence given on oath by both Teacher X and his wife as to the circumstances in which the Gmail account was deleted. The panel found them both to be credible.

The panel has also considered the evidence that Teacher X ought to have been aware of the proceedings by virtue of press reports and contacts from former colleagues and family in the UK. However, the panel felt that this would require it to speculate and this would not be a sufficient basis for rebutting Teacher X's evidence that he was not aware.

Having regard to all of the evidence, the panel is not satisfied, on the balance of probabilities, that Teacher X was aware of these proceedings. Accordingly, the panel is unable to conclude that Teacher X made a deliberate decision to absent himself and, thereby, waived his right to participate. Mr Gillespie has already acknowledged that, should the panel not be satisfied that Teacher X was aware of the proceedings, continuation of the hearing against Teacher X would be unfair. The panel agrees. Accordingly, the panel grants Teacher X's application that the hearing be halted and that his case be started again before a new panel.

Application on behalf of Mr Akbar

Mr Faux applied for the case against Mr Akbar to be halted and continue to be heard together with Teacher X's case.

After hearing submissions from Mr Faux, Teacher X and Mr Gillespie and receiving legal advice, the chair announced the decision of the panel as follows:

In light of the fact that the panel has decided that Teacher X's case should be halted at a time when the panel was due to announce its findings, Mr Faux has made an application that Mr Akbar's case should be halted and started again before a new panel. The application is to keep the cases of Teacher X and Mr Akbar together in one hearing.

The panel considered the submissions made by Mr Faux, Teacher X and Mr Gillespie and the legal advice provided.

The panel has been conscious from the outset of the hearing of the need to consider the evidence against each teacher separately and the panel has kept this in mind throughout the hearing.

As the hearing has progressed, the panel has heard a significant amount of evidence in relation to Mr Akbar that does not relate to and has no bearing on Teacher X.

The panel is satisfied that none of its findings of fact made in relation to Mr Akbar are dependent upon the findings of fact made in relation to Teacher X. The panel regard it as particularly significant that, in making findings in relation to Mr Akbar, the panel has not concluded that an agreement, such as is alleged, existed between Mr Akbar and Teacher X. Had we made such a finding, we recognise this would have impacted on our decision on this application.

Having carefully considered all of the submissions made, the panel is satisfied that it would not be unfair to Mr Akbar for this panel to continue with the case against him. Further, the panel is satisfied that it would not be unfair to Teacher X for his case to be heard in a separate hearing. We do not believe that any prejudice will be caused to Teacher X as the assessment of witnesses and their credibility will be a matter for the panel hearing his case.

The panel considered the further submissions by Mr Faux that the panel's decision requires a broader exercise of the panel's discretion, rather than whether the panel could reach a fair decision in relation to Mr Akbar. The panel has also considered whether the interests of justice require that the cases of Mr Akbar and Teacher X be heard together in one hearing. Mr Faux referred to issues of consistency and the decision-maker having the whole picture of what occurred at the school. Mr Faux made specific reference to this case being one of a number of 'Birmingham Schools' cases, but the panel noted that not all of these cases are being heard by the same panel. Mr Faux also referred to the fact that witnesses will need to be called again at the hearing of Teacher X.

In considering these points, the panel acknowledges that at the outset of the hearing, the decision on joinder was a reasonable one. However, at this stage of the hearing and after having heard all of the evidence, the panel considers that the interests of justice do not require the two cases to continue to be heard together. In the panel's view, it would not be necessary, given the lack of overlap in relation to the allegations and the evidence presented in the cases of Mr Akbar and Teacher X to continue joinder.

After careful consideration, the panel is not persuaded that it would be contrary to the interests of justice to continue to deal with Mr Akbar's case.

Accordingly, the panel has concluded that the case against Mr Akbar should proceed.

Application by Mr Akbar

Mr Akbar made an application to the panel in person after it was established that he was no longer represented by Mr Faux. Mr Akbar said that he wanted to challenge the referral made to the panel and sought an adjournment for that purpose.

After hearing submissions from Mr Akbar and Mr Gillespie and receiving legal advice, the chair announced the decision of the panel, as follows:

The panel has considered the application by Mr Akbar that his case be adjourned so that he can conduct an investigation and correspond with the NCTL in relation to his referral. The panel accepts the legal advice that this panel has no jurisdiction to consider the appropriateness or otherwise of the referral to this panel. Mr Akbar's application that the panel adjourns his case to enable him to conduct an investigation and correspond with the NCTL at this stage of the proceedings is neither fair nor appropriate. Mr Akbar's application is refused.

Further application by Mr Akbar

On 16 December 2015, Mr Akbar made an application for an adjournment to be able to instruct another lawyer and/or prepare mitigation. After hearing submissions from Mr Akbar and Mr Geering and receiving legal advice, the chair announced the decision of the panel as follows:

The panel has considered Mr Akbar's application for an adjournment. The panel has taken into account the submissions by Mr Akbar and Mr Geering. The panel also noted the guidance given in the case of Crown Prosecution Service v Picton [2006] EWHC 1108 and took this into consideration in determining whether an adjournment would be fair and appropriate.

The panel announced its decision on facts and unacceptable professional conduct on 10 December 2015. In the ordinary course of events, the panel would go straight into submissions in mitigation. However, because of the late finishing, the panel agreed to adjourn to today to provide Mr Akbar with an opportunity to prepare his mitigation. When the panel adjourned, Mr Akbar was provided with a copy of the NCTL guidance documents and useful information. His attention was specifically drawn to the section headed 'Teacher Misconduct – the Prohibition of Teachers', which contains advice of factors relating to the panel's determination. Mr Akbar today confirmed that he had received that guidance. This conflicts with his further statement today that the guidance and process had not been explained to him.

In response to a question from the panel which asked what he had done since 10 December, Mr Akbar said 'I've done nothing' and that he had not been able to instruct another lawyer.

The panel noted that Mr Akbar has been legally represented throughout these proceedings and that a substantial bundle of documents was submitted on his behalf. This complied with the requirement to serve documents in advance of the commencement of the hearing. Any documents to be relied upon, (whether in response to the allegations or in mitigation) should have been served at that time.

The documents in Mr Akbar's bundle do not merely respond to the allegations against him but also contain detailed information relating to his previous history and character.

Furthermore, throughout the oral evidence given by witnesses, the panel has heard character evidence on his behalf. When asked by the panel what further evidence he might wish to call in mitigation, Mr Akbar said on more than one occasion, 'I don't know what I want to bring.'

Mr Akbar said that he would like an adjournment of at least two months to instruct new lawyers. The panel noted that it delayed commencement of the hearing today by more than an hour so that Mr Akbar could consult with Mr A Malik, whom the panel understood was to represent Mr Akbar. Mr Akbar told the panel that he had not provided Mr Malik with the decision and that Mr Malik had only been retained to give him advice rather than represent him.

The panel notes that it frequently deals with teachers who are not legally or otherwise represented and in such cases mitigation is delivered by the teacher concerned, after a relatively short adjournment on the day. The panel believes that Mr Akbar should be able to present his mitigation. The panel considers that to proceed would not be detrimental to natural justice.

The panel is not satisfied that an adjournment would be fair or appropriate. Accordingly, the application for an adjournment is refused.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has considered all of the documents provided in the bundle. There were a number of documentary exhibits in Mr Akbar's bundle that the panel was invited by Mr Faux to read only in part. Other than these, to which the panel was directed, the panel confirms that all other documents were read. Throughout the period of the hearing, the panel has also reviewed the bundle of newsletters submitted on behalf of Mr Akbar.

After the conclusion of the evidence on 18 November 2015, the panel received and considered a document prepared by Mr Gillespie with the agreement of Mr Faux entitled 'Extracts of the transcript relating to passages in Witness D's diary.'

Oldknow Academy was at the material time a maintained non-faith school catering for approximately 600 children from Years 3 to 6. A significant majority of pupils were from minority ethnic backgrounds and spoke English as an additional language. The vast majority of pupils had a Muslim background, but the school was not a religious or faith school. The school converted to an academy school on 1 April 2012. As an academy, it was not required to teach from an agreed syllabus of religious education. The school had previously applied for and received a determination under section 394 of the Education Act 2002. Whilst in force, the determination meant that the requirement for daily worship to be broadly Christian did not apply. This determination expired in January 2013. Although this determination had expired at the material time, the case against Mr Akbar

has not been presented on the basis that the school should have provided exclusively Christian assemblies. However, under the Academies Act 2010, the school was required to comply with section 78 of the Education Act 2002. This meant that the school has to have a 'balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.'

Mr Jahangir Akbar successfully applied for the post of Vice Principal at the school and his employment commenced on 15 April 2013. Prior to joining the school, Mr Akbar had 10 years' experience of teaching at three Islamic faith schools and three years' experience at one non-faith school. He was also a non-executive member for the Association of Muslim Schools and had carried out at least one inspection of a faith school on their behalf. Mr Akbar became the Acting Interim Principal in March 2014. From late January he was Acting Principal after Individual A had left the school.

By way of background, an Ofsted inspection which had been carried out in January 2013 recorded that the school was an outstanding school in terms of overall effectiveness and in relation to the achievement of pupils, quality of teaching, behaviour and safety of pupils and leadership and management.

The evidence presented to the panel by the parties is that as a result of the 'Trojan Horse' allegations regarding Birmingham schools, a report to Parliament was commissioned by the Secretary of State for Education from Mr Peter Clarke. Although the panel is aware of the existence of the Peter Clarke report, this has not been considered by the panel and the parties have not sought to rely upon this report in the proceedings.

An Ofsted inspection, by a team of HM Inspectors, was carried out on 7 and 8 April 2014 at the request of the Secretary of State for Education. The findings of this inspection were that behaviour and safety were inadequate because pupils and staff are not equipped well enough to deal with the risk of extreme or intolerant views. Leadership and management were also found to be inadequate. Although the school was still regarded as outstanding in pupil achievement and quality of teaching, the finding was that the school was inadequate in terms of overall effectiveness. A recommendation was made that the school be placed in special measures.

As an academy, the school was subject to monitoring by the Education Funding Agency ('EFA'). The EFA conducted a monitoring visit to the school on 10 and 11 April 2014. The panel has heard that the monitoring visit on 10 and 11 April 2014 was conducted to satisfy the Secretary of State that systems, processes and policies were in place and being adhered to that ensured that children were being kept safe, well educated and supported with a broad and balanced curriculum. The monitoring visit was also to ensure that there was effective oversight from the governing body to ensure compliance with the funding agreement.

Findings of fact

Our findings of fact in relation to Mr Jahangir Akbar are as follows:

1. On or before 31 July 2014 you agreed to the inclusion of an undue amount of religious influence in the education of pupils at Oldknow Academy (“the School”) by:

a. Reforming the School curriculum:

i to include greater emphasis on religion

Mr Gillespie accepted that this particular could not be proved. The panel finds this particular not proved.

ii to decrease the diversity of religious education

The panel has been presented with the minutes of the curriculum committee meeting that took place on 26 April 2013. Mr Akbar was present at this meeting, as was the Principal and a number of Governors.

Paragraph 6(g) of the minutes stated:

‘It was agreed that performances would not be run by school for Christmas, Diwali or Easter, in order to have more time to focus on teaching and learning. Outside providers were brought in to discuss these events and present to children. Individual B said it was a general agreement that plays and performances would give way to focussing on standards.’

Paragraph 6(h) of the minutes stated:

‘Mr Akbar said that he was looking at the Jumuah themes and Islamic assemblies. He noted that the School has a responsibility for children’s overall education and spiritual development, and suggested using a book such as Riyadh Al Saaliheen, and talk about ideas such as love for each other, working with Ihsan (excellence) Respect the Parents, etc, it was planned now to synchronise planning; so that the Jumuah Khutbah would be based on the assembly, RE syllabus, etc.’

Paragraph 6(i) of the same minutes went on to say:

‘Mr Akbar also said that in order to safeguard the values and vision of the Academy, all of this should be documented well. He felt that in order to have an impact, the children should be invited to behave according to their faith.’

In his evidence, Mr Akbar denied that he made reference at the meeting to Riyadh Al Saaliheen, but otherwise did not dispute the accuracy of the minutes. As to the cancellation of performances for Christmas, Diwali and Easter, Mr Akbar pointed out that

at the time of this meeting he had only been in the School for approximately 10 days and did not consider himself in a position to raise objections. Mr Akbar said that when he expressed the view that the children should be invited to behave according to their faith, the discussion was primarily focussed upon Islamic assemblies. He felt that the assemblies were already very good and he wanted to document everything in order to give them structure. He also pointed to the fact that the Ofsted report in January 2013 had described the School's contribution to pupils' spiritual, moral, social and cultural development as being 'exceptionally good', with a wide range of different cultures celebrated.

In considering the events after the curriculum committee meeting on 26 April 2013, the panel noted that Mr Akbar stated that, until September 2013, he was heavily involved in preparing the 'Free School' application.

The panel noted that the Birmingham City Mission ('BCM') was due to deliver a Christmas Special Assembly at the School on 18 December 2013. The panel was informed that BCM had been delivering acts of collective worship at the School since 2006. The last assembly was in July 2013. A further assembly had been booked for 16 October 2013, but this had been cancelled due to the time at which Eid fell. It has not been suggested that the October assembly was cancelled by Mr Akbar. The assembly on 18 December 2013 was cancelled by an email on 4 December 2013 by the RE Coordinator. An email response from BCM on 5 December 2013 referred to the difficulty arising from cancellation at short notice. The same day, the RE Coordinator sent an email to Mr Akbar forwarding the email received from BCM. In this email the RE Coordinator said to Mr Akbar *'It makes me look really bad... please let Individual A know it was you who told me too (sic).'* Mr Akbar did not dispute that he gave this instruction to the RE Coordinator. However, he asserted that there had been an earlier discussion with the Principal, Individual A. The panel did not accept Mr Akbar's explanation about this.

Indeed, throughout his evidence, the panel found Mr Akbar to be inconsistent and evasive and he appeared to use deflecting techniques. At points, the panel found it difficult to get a straight answer from Mr Akbar and he was consistent in blaming other people for his actions.

The panel noted that when the Principal became aware of the cancellation of the BCM Assembly, she sent an email to Mr Akbar on 6 December 2013 saying that she was confused. In an email response to Individual A the same day, Mr Akbar said:

'Leave it MS. No point. I don't like what they do... and from the last one in May/June I did not get good feedback from children.'

The panel was satisfied from this exchange of emails that it was Mr Akbar's decision to cancel BCM. The panel's view was reinforced by another email that Mr Akbar sent to the RE Coordinator on 5 December 2013 in which he said in relation to BCM, *'... Under no circumstances is the Academy going to be involved in any religious (partisan). No way.'*

Deal with this please and find me an alternative.’ In another email Mr Akbar had suggested that the RE Coordinator look at an initiative called the ‘Three Faith Forum’. However in his evidence, Mr Akbar acknowledged that the late cancellation of BCM meant that it would not be possible to arrange an alternative at such short notice. The panel is satisfied that the BCM Assembly would have contributed to the diversity of religious education in its broader sense. Mr Akbar’s actions, therefore, led to a decrease in the diversity of religious education at that time. The panel also noted that it was not until after the subsequent Ofsted and EFA inspections that there was any involvement with the Three Faith Forum. Furthermore, the minutes of the curriculum meeting in April 2013 indicated that outside providers were to be brought in to discuss Christmas, Diwali or Easter in the absence of performances run by the School. There was no evidence that such outside providers were brought in. Even if Mr Akbar was not an active participant in the agreement to cancel the performances, the minutes of the meeting indicates that he was aware of the responsibility of the School for the children’s overall education and spiritual development. In this context, the panel construed ‘*curriculum*’ as encompassing a wide variety of educational and instructional practices at the School.

The panel finds particular ii proved.

iii to exclude the proper teaching of Sex and Relationship education

The panel noted the evidence of Witness E that Mr Akbar admitted in a conversation with her that sex and relationship education (“SRE”) was not delivered to pupils in the school. Mr Akbar denied this and the panel has seen and heard evidence of some delivery of the discussions about puberty, although this did not extend to discussions about sexual intercourse. Witness R gave evidence that she had delivered SRE lessons although these were limited in content due to a decision by governors taken several years before Mr Akbar arrived at the school. No evidence has been presented that the SRE delivered at the School may not have been proper teaching. There is no evidence that Mr Akbar brought about a change in the teaching of SRE. Accordingly, the panel could not conclude that any action on the part of Mr Akbar brought about the exclusion of the proper teaching of SRE. Accordingly, the panel finds this particular not proved.

iv to reduce the performance of music

v to reduce the pupils’ participation in art.

Mr Gillespie accepted that particulars iv and v could not be proved. The panel finds particulars 1a iv and v not proved.

b. Organising and/or delivering assemblies and/or meetings of an overly religious nature and/or with inappropriate content.

Whilst there is evidence that Mr Akbar played a part in the drawing up of the assembly rota, there is no evidence that he was responsible for organising assemblies of an overly religious nature. Mr Akbar acknowledges that he delivered his own assemblies on

occasions where no other adults were present and he was criticised by an external regulator for doing this. However, the criticism did not relate to the content of his assemblies. The panel finds this particular not proved.

c. Separating boys from girls in some classes.

Mr Gillespie accepted that particular 1c could not be proved. The panel finds this particular not proved.

d. Eliminating the celebration of a diverse range of cultural events including:

i Christmas

As mentioned in relation to allegation 1a ii, the panel is satisfied that Mr Akbar was directly involved in the cancellation of the BCM assembly in Christmas 2013. The panel also noted that there was no school Christmas tree and that Parent A had said that his daughter had come home and wanted to know why a Christmas celebration was not going ahead that year. The panel noted that on 19 November 2013 an email was sent to Mr Akbar by his brother, who had been appointed as an assistant principal at the school regarding an email from another member of staff querying the position about Christmas decorations. His brother asked *'where we stand in regards to this. I am sure other people will probably be thinking the same and expect an answer. Naturally, a sensitive issue.'* Mr Akbar did not respond until 2 December 2013 and simply answered *'none....'* Mr Akbar suggested that this was intended to be a jokey response and one which indicated that the question had already been addressed. However, the panel did not accept Mr Akbar's explanation. The panel found the facts of 1d i proved.

ii Diwali

There is no evidence that Mr Akbar was directly involved in the cancellation of the celebration of Diwali. He acknowledged that he was present at the curriculum meeting in April 2013 when the decision was made that there would be no performance to celebrate Diwali. However, the panel found this particular not proved.

Having found particulars 1a ii and di proved, the panel considered whether these actions on the part of Mr Akbar represented elements of his involvement in an agreement to an inclusion of an undue amount of religious influence at the school. In considering this issue, the panel recognised that it was necessary to establish that such an agreement existed before considering whether Mr Akbar was a party to it.

The panel is satisfied by the evidence presented that some governors had a significant influence in the direction of religious education and the celebration of religious events within the school. The minutes of the curriculum committee meeting that took place on 26 April 2013 record the decision to cancel performances for Christmas, Diwali and Easter. The reason given in the minutes was to enable more time to be focused on teaching and learning. The minutes state that *'it was a general agreement that plays and performances*

would give way to focussing on standards.' The suggested need to focus on standards was inconsistent with the fact that the school was already recognised as an outstanding school in all four aspects, as identified by Ofsted. The panel also noted that the performances to be cancelled were all non-Islamic. Against this background, an annual trip to Saudi Arabia of 10 days had been planned. This was organised for religious purposes. In addition two days was given to celebrate Eid, whereas other schools only gave one day.

In her evidence, Witness E referred to an account given to her by Individual C, a former assistant headteacher at the school. Individual C told her that when the post of Vice Principal at the school had been advertised, assistant headteachers who were white women did not apply as the Chair of Governors had said "*We are an all Muslim school and so should have a Muslim SLT.*" The panel recognised that this evidence is hearsay evidence that could not be tested by questioning Individual C.

Further, in an email to Individual A and others on 18 December 2013, the Chair of Governors said:

'We have one Christian child in Oldknow.....If cancelling all the afternoons off that are normally focussed on the nativity play - this is in any case not respecting the culture of the 600 children who the school serve result in our children achieving better grades and meeting government targets then we have been successful.' Later in the same email, the Chair said:

'There are so many issues concerning education in our community and the one issue the Birmingham Mail feel is a priority is to discuss why Christmas is cancelled in a school of 601 pupils of which one is Christian.'

The panel is satisfied that the Chair's approach and that of some other governors, led to the promotion of Islam to the likely exclusion of other religions. This was not in accordance with the obligation under section 78 of the Education Act 2002 for the school to have "a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences of later life".

The panel also noted that in the Ofsted report in April 2014 it was found that '*a small group of governors is making significant changes to the ethos and culture of the Academy without full consultation. They are endeavouring to promote a particular and narrow faith-based ideology in what is a maintained and non-faith Academy.*' The panel recognised that it was not bound by this finding, but the panel has reached the same view based on the evidence presented.

The panel is satisfied, on the balance of probabilities, that there was an agreement between some governors for the inclusion of an undue amount of religious influence in the education of pupils at the school.

The panel then considered whether Mr Akbar was a party to this agreement. As already noted, Mr Akbar was present at the curriculum committee meeting that took place on 26 April 2013 when the agreement to cancel the Christmas, Diwali and Easter performances was made. The panel recognises that Mr Akbar had only been at the school for a very short time prior to this meeting. However, the minutes indicate that Mr Akbar played an active part in the meeting. The minutes of the same meeting record that Mr Akbar said that the school had a responsibility for children's overall education and spiritual development. The panel notes that, in keeping with the obligation under section 78, this should have been a balanced and broadly based approach. In his evidence to the panel, Mr Akbar said that he did not question himself as to what was an appropriate amount of religion that children should be exposed to at school. In the panel's view, he should have done.

The panel's assessment of Mr Akbar's involvement in an agreement has taken into account his actions and inactions following the curriculum meeting in April 2013. The panel noted that, until September 2013, much of Mr Akbar's time was occupied in connection with the 'Free School' application. However, the panel has looked closely at the events that took place in the period between September 2013 and January 2014.

The panel noted that Mr Akbar had a significant role to play in the development of the RE action plan. The panel has already found that the BCM Christmas assembly was cancelled on the direct instructions of Mr Akbar. Further, in doing so, he was aware that a substitute could not be arranged at short notice and, therefore, the assembly would not take place despite the fact that BCM were still willing to deliver it.

The panel noted that an email was sent to Mr Akbar by his brother on 19 November 2013 referring to an email from a teacher asking if he would be allowed to decorate his classroom with Christmas decorations stating *'I know Muslim people do not really celebrate it.'* His brother asked *'Please let me know where we stand in regards to this. I am sure other teachers will probably be thinking the same and expect an answer. Naturally, a sensitive issue.'* In the panel's view, Christmas should not have been a sensitive issue if the school was adopting a broad and balanced curriculum reflecting religious diversity. The panel finds that the fact that the teacher felt the need to ask the question reflected the apparent state of affairs with regard to the treatment of Christianity in the school. Mr Akbar's response of *'none'* indicated, in the panel's view, a reluctance on the part of Mr Akbar for the school to celebrate Christmas. Mr Akbar said that this was intended to be a jokey remark to his brother, but the panel did not accept this explanation.

At the curriculum meeting in April 2013, reference was made to outside providers coming into the school as an alternative to the school performance celebrating Christmas, Diwali

and Easter. Mr Akbar was aware of this proposal, but there is no evidence that outside providers were engaged. In this context, Mr Akbar's cancellation of BCM on 4 December 2013, with no alternative provision in place, was even more significant in terms of diminishing diversity of religious education.

Apart from these actions by Mr Akbar, the panel noted that there were a number of instances in which Mr Akbar did not take appropriate action to ensure a broad and balanced approach to religion in his capacity as Vice Principal.

One example of this relates to the complaints about a member of staff's assemblies in December 2013 to the effect that they were disparaging towards Christianity. The panel is satisfied that Mr Akbar was present when the complaint about that member of staff was made to Individual A. The panel noted that Witness A said in her evidence that Mr Akbar did not appear to be concerned and appeared to support that member of staff by stating that that member of staff was not a racist. Mr Akbar has told the panel that he now believes that what that member of staff did in the assemblies was '*unacceptable by any standards, by any measure.*' However, this was not apparent from Mr Akbar's response when the complaint was made. Furthermore, although Mr Akbar said that the matter should have been dealt with much more seriously than it was by Individual A, he could have challenged her approach at that time and requested a more thorough investigation. Furthermore, Mr Akbar did not express this view in the Judicium investigation.

The panel further noted an incident involving a supply teacher was reported to Mr Akbar by email on 13 January 2014. The email stated that a parent had complained that in an RE lesson, a supply teacher had brought up issues of varying groups in Islam and how some of them were correct but that '*others we should stay away from.*' The pupil in question belonged to the latter group and became upset and confused. The parent had contacted the school, did not make a formal complaint but wanted to be comfortable knowing that staff were not expressing their personal views and beliefs to the children. Mr Akbar admitted that he had not taken any action in relation to this as the parent was not making a formal complaint. The panel concluded that this was another example whereby Mr Akbar failed to take action regarding intolerant views.

Mr Akbar said that he did not question himself as to what was an appropriate amount of religion at the school.

The panel is satisfied by all of this evidence that over time Mr Akbar came to agree with the position held by some of the governors. By his conduct in 1a ii and 1d i, Mr Akbar agreed to the inclusion of an undue amount of religious influence in the education of the pupils at the school.

Therefore, we find allegation 1a ii and 1d i proved.

2. Your conduct as described at paragraph 1 above tended to undermine tolerance and/or respect for the faith and beliefs of others.

By decreasing the diversity of religious education and eliminating a diverse range of cultural events, there was a failure to promote the spiritual, moral, cultural and mental development of pupils at the school. Preparation of pupils for the opportunities, responsibilities and experiences of later life requires pupils to have an understanding of other cultures and religions.

For these reasons and for those already given in relation to allegation 1, the panel is satisfied that Mr Akbar's proven conduct tended to undermine tolerance and/or respect for the faith and beliefs of others.

The panel, therefore, finds allegation 2 proved.

3. When Parent A raised concerns about his daughter's education you:

a. Reacted inappropriately and shouted at him at a meeting on or around 19 December 2013.

The panel heard evidence from Parent A that at the meeting concerned, Mr Akbar was not listening and seemed to get very irritated and that he responded by shouting at Parent A. The panel found Parent A to be a credible witness. Mr Akbar admitted that he had spoken loudly and that he had handled the meeting badly. He also said that he followed Parent A as he left the School and apologised to him at that point. Mr Akbar said in his evidence that his apology to Parent A was for not being of help to him rather than shouting at him. However, the panel preferred the evidence of Parent A to that of Mr Akbar. The panel was satisfied, on the balance of probabilities that Mr Akbar had reacted inappropriately and shouted at Parent A. In reaching this view the panel also noted that throughout his oral evidence, there were several occasions where Mr Akbar acted inappropriately and appeared not to be listening to matters that he was being asked. The panel finds particular 3 a proved.

b. Failed to take any appropriate action to deal with his concerns thereafter.

The evidence presented is that on the same day that Parent A attended the meeting, Mr Akbar sent an email to the Chair of Governors. Following this, a meeting was arranged for the Chair of Governors and this took place on 12 January 2014. Even though the panel has found that Mr Akbar reacted inappropriately in his meeting with Parent A, the panel has not been presented with any evidence to indicate that he failed to take appropriate action to deal with concerns after the meeting with Parent A. Accordingly, the panel finds 3 b not proved.

c. Reacted inappropriately when subsequently informed that his daughter was being bullied.

Witness D said that when she spoke to Mr Akbar about the pupil being bullied, he responded by saying *'good, [the] parents should have thought of that before they went public'*, or words to that effect. In addition, the panel has been presented with a record of an interview of Individual D, Assistant Principal on 21 November 2014 in which Individual D said that when the bullying issue was raised, Mr Akbar said *'good, I am glad. He has got his daughter into this situation.'* Individual D's account was that Mr Akbar then *'zipped it'* as she said that Mr Akbar realised what he had said. The panel noted that Individual D said that she thought that Witness R was present when this was said. However, when Witness R gave evidence, she was unable to recall being present when such a conversation took place. The panel noted that Witness D did not recall that Witness R was present.

Although Mr Akbar denied saying the words attributed to him by Witness D and Individual D, the panel noted that on 13 July 2013 Mr Akbar sent an email to some members of staff in which he referred to Parent A speaking to the press. Mr Akbar said in his email *'The last time he did this his daughter was bullied as a direct consequence of his actions.'* He also went on in the same email to say *'Do we need to refer this family to social services as a result of the father's actions. I mean it has put the welfare of his daughter at risk.'* The panel also noted that, in his written evidence, Mr Akbar referred to Parent A's daughter being bullied as a direct result of Parent A's decision to go to the press. Mr Akbar also confirmed in his oral evidence to the panel that he believes that Parent A's actions led to his child being bullied. In the light of all of the evidence presented, the panel is satisfied that it is more likely than not that Mr Akbar did say the words attributed to him by Witness D and Individual D. The panel is satisfied that this response was inappropriate in that Mr Akbar was conveying his view that the primary responsibility for the bullying of the child lay with the father's actions and not with the pupils who had bullied his child. The panel finds the facts of particular 3c proved.

4. On 30 June 2014 you instructed the School's Human Resources Manager to omit governors who did not have a current Disclosure and Barring Service check from the Single Central Record ("SCR") prior to inspection by the Education Funding Agency ("EFA");

Mr Akbar admits that he did instruct the Human Resources Manager to omit the names of governors without a current DBS check from the SCR and that this was prior to inspection by the EFA. We find the facts proved, based on Mr Akbar's admission. The panel finds particular 4 proved.

5. Your actions as set out at paragraph 4 above were:

a. Misleading

b. Dishonest

The panel noted that Mr Gillespie accepted that the governors who did not have a current DBS check and who were to be omitted from the SCR did not in fact have to be on the SCR. However, it was submitted that this did not prevent a finding of dishonesty. The panel accepted that, if Mr Akbar believed that the names of the governors concerned should have been on the SCR, then his instructions to remove their names for the purpose of concealing from the EFA inspectors that they did not have a current DBS check could amount to dishonesty.

Before considering the issue of dishonesty, the panel considered whether Mr Akbar's instruction to the Human Resources Manager could be construed as misleading. The panel noted that the allegation was drafted as 'misleading' rather than 'intended to mislead'. Accordingly the panel felt that, in order to find 5a proved, there would need to be evidence that somebody was actually misled. In this context, the panel took into account the fact that the SCR did not need to include the names of the particular governors concerned as they were not proprietors. On this basis the panel was not satisfied that there could have been any actual misleading because the SCR would have reflected the correct position. The panel concluded that, in the circumstances of this case, the instruction could not have resulted in the EFA inspectors being misled. Accordingly, allegation 5a is not proved.

As to dishonesty, the panel recognised that it was crucial to assess Mr Akbar's state of mind on 30 June 2014, including, in particular, his knowledge and understanding of what should be included on the SCR. In his evidence, Mr Akbar stated that, by 30 June 2014, he thought that checks for non-proprietor governors were not legally required, but just good practice.

The panel noted that, on 16 June 2014, Mr Akbar sent an email to the Human Resources Manager in which he said: *'Please chase all Governors for their DBS. Each Governor is to have their own file like teachers.'*

Subsequently on 18 June 2014 a draft safeguarding report was prepared by Individual E, Independent Safeguarding Adviser. As to the SCR, this report stated:

'The single central record must contain all staff, volunteers and members of the proprietor (governing) body. In the main the SCR is complete, but there are outstanding entries. When identification checks are missing, children are potentially at risk.'

The panel noted that on 25 June 2014, Mr Akbar sent an email to the Human Resources Manager with an attachment consisting of Keeping Children Safe guidance (or an extract from that guidance). His email stated *'please see pages 22 to 23.'* The panel has read

pages 22 and 23 of this guidance. The panel notes that page 22 specifies the people to be covered by the SCR included the following people:

- All staff (including supply staff) who work in the School
- All others who work in regular contact with children in the School, including volunteers, and
- For Academies, all members of the proprietor body.

The guidance then goes on to say:

‘Generally, the information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed.’

Given the references to pages 22 and 23 in his email dated 25 June 2014, the panel accepts that by 25 June 2014, Mr Akbar might have read the pages concerned and been informed by doing so that only the governors who were also proprietors needed to be included in the SCR. However, Mr Akbar then went on in his evidence to say that he was under the impression that, if DBS checks had not been completed, then governors’ names should not be included on the SCR until their checks were completed. Mr Akbar said that he *‘genuinely thought the SCR was intended to be a register of checked individuals.’* The panel considered that this explanation was inconsistent with his assertion that he had familiarised himself with pages 22 and 23 referred to above. If he had read those pages to satisfy himself that only proprietor governors should be included, he also ought to have appreciated that the SCR was not simply intended to be a register of checked individuals.

Furthermore, the panel noted that Mr Akbar said in his evidence that the Human Resources Manager subsequently told him on 7 July 2014 that all governors needed a DBS and should be on the SCR. Mr Akbar said that he accepted this at that time. This is surprising if Mr Akbar had familiarised himself with the Keeping Children Safe in Education document.

The panel also noted that on 30 June 2014 Mr Akbar sent an email to the Human Resources Manager saying *‘please make sure SCR is ready and only includes those people who have a completed DBS.’* When asked about the governors who had not yet filled in forms, Mr Akbar responded by saying *‘leave them off the form. Add people once their checks are complete.’* The panel gave careful consideration to Mr Akbar’s explanation for this comment. If he had concluded that the SCR was only to include governors who were proprietors, then there would be no need to include the names of governors who were not proprietors once the DBS checks had been obtained. His instruction to the Human Resources Manager to include them once the DBS checks had been obtained was therefore inconsistent with his stated understanding. In the panel’s

view, Mr Akbar must have been of the view that the names of the governors concerned needed to be included on the SCR and, therefore, that his instruction to the Human Resources Manager was designed to conceal the fact that they did not have current DBS checks.

The panel noted that Mr Akbar's oral evidence in relation to this allegation was confusing, contradictory and despite numerous attempts lacked clarity. Consequently, the panel did not find Mr Akbar to be a credible witness. Mr Akbar presented to the panel a governance structure with the names of all of the governors, which he claimed had been disclosed to the EFA team. However, the document was not originally part of the bundle and was presented after Mr Akbar had given evidence. The panel was not convinced about the authenticity of the document or when it was prepared.

The panel is satisfied that Mr Akbar's conduct was dishonest by the ordinary standards of reasonable and honest members of the teaching profession and that Mr Akbar must have realised that by those standards his conduct was dishonest. Accordingly, the panel finds 5b proved.

6. You put pressure on staff to countersign cheques for expenditure on the services of Stone King solicitors and/or Politics in Brum that had not been properly authorised;

The panel heard evidence from Witness D about the financial processes of the School. Witness D said that an order for purchase of services required would be raised and authorised by the principal. The School then instructed a private company to process the order. One assistant principal would then have the responsibility for authorising the invoice to be paid, for matching the invoice to the relevant order approved by the principal and arranging for the invoice to be processed. A cheque would then be raised and have to be signed. Only certain people at the School had the authority to sign cheques. These were two of the assistant principals, the principal and Witness D. In June 2014, Witness D was concerned about four invoices. Two of these were for solicitors fees totalling approximately £20,000.00 (Stone King solicitors) and two were for a PR Crisis Management Organisation (Politics in Brum) in the sum of approximately £8,000.00 to £10,000.00. No orders had been raised on the school system in respect of any of these invoices. Witness D said that Mr Akbar asked her several times to sign cheques and was also enquiring about others who might be able to sign instead of her. The panel also noted that on 9 July 2014 Mr Akbar went as far as seeking legal advice from Judicium Consulting Limited about the fact that two members of his leadership team and Witness D were refusing to sign off the invoices and cheques. He sought advice as to the seriousness of this and what he should do next.

The panel also noted that at the full governing body meeting on 11 July 2014 the minutes record the Chair's comment that the EFA had criticised the expenditure on funds without approval from the governing body. The minutes also state that the Mr Akbar reminded the governing body that Governors were also implicated in the inspection report. Further

that the school did not have the legal expertise and therefore it was important to appoint legal representatives urgently. The governing body unanimously accepted the services and related legal and PR costs were fully needed and authorised by the governing body. The minute goes on to say that it was resolved that the governors agreed that delegated limits must not be breached but the acting principal was new to post and was unaware of these limits. The governors reminded the acting principal of the limits and insisted that relevant training must be attended to increase knowledge of procedures. The panel is satisfied that Mr Akbar was initially given authority to instruct solicitors but he was not given any delegated authority above £10,000.00. The panel is also satisfied that the spending that had actually been incurred was subsequently ratified by governors. However, at a time when Mr Akbar was putting pressure on Witness D and others to sign the cheques, the expenditure had not been properly authorised and, accordingly, Witness D and the two assistant headteachers were acting appropriately in not signing them and Mr Akbar was acting inappropriately in attempting to put pressure on them to do so. The panel finds the facts of allegation 6 proved.

7. You allowed members of Oldknow Parents Association to have unrestricted and/or unaccompanied access to the School, without them having undergone Disclosure and Barring Service checks.

The panel noted that Witness D said in her evidence that she was concerned about the formation of the Oldknow Parents Association ('OPA') which occurred after the Ofsted inspection in April 2014. Witness D said that on 3 June 2014 she was asked by the site manager and a member of the OPA to issue all of the OPA members with passes to access Oldknow. She said that she explained that visitors to the School were required to sign in and out or alternatively DBS checks must be carried out in order to issue a pass. Witness D said that this caused a fuss. The members of the OPA did not want to fill in the relevant forms and so she ensured that they signed in when they visited. She said that she would take them to Mr Akbar and stress that they had not been DBS checked so that they should not be left alone in the school. However, on numerous occasions she said that she found members of the OPA alone in the former Principal's old office, in other offices or wandering around the School. She said that during the day they would work on the campaign of how to reject Ofsted's comments made during the inspection. Mr Akbar did not make any arrangements to escort members around the School. She said that she clashed with Mr Akbar about this because he seemed to want to keep the OPA happy. The panel saw an email sent by Witness D to Mr Akbar on 18 June 2014. In this email Witness D raised her concerns about OPA members. The email refers to members of the OPA being rude to her. However, her email also stressed in bold underlined writing that she was very concerned about the safety and security of the children.

Mr Akbar denied this. However, the panel preferred the evidence of Witness D who also said that another member of the clerical staff was being used by Mr Akbar to allow OPA members access into the school. The panel has taken into account the evidence given by Witness G who became the chair of the OPA. He gave evidence that, having spoken to

other parents, they said that they were never given unrestricted access. However, Witness G acknowledged that he was not at the school on all occasions. The panel regarded Witness D as a credible witness and the panel prefers and accepts her evidence. The panel finds the facts of allegation 7 proved.

8. Your actions as set out at paragraphs 3c, 4 and/or 7 above constituted safeguarding risks.

In relation to Mr Akbar's actions as set out in paragraph 3c, although the panel considered that Mr Akbar's reaction was inappropriate, the panel could not conclude that the words expressed by him gave rise to a safeguarding risk. The panel accepts that there was some investigation into the bullying allegation and an attempt to deal with this. Accordingly, the part of allegation 8 relating to the action in paragraph 3c is not proved.

As to Mr Akbar's actions in allegation 4, Mr Gillespie agreed that, as the Governors concerned did not need to be included in the SCR, the instruction to omit their names could not give rise to a safeguarding issue. Accordingly, the panel finds allegation 8 not proved, insofar as it refers to the actions alleged in allegation 4.

As to the actions in allegation 7, the panel is satisfied that allowing members of the OPA to have unrestricted or unaccompanied access to the School without DBS checks did give rise to a safeguarding risk. Accordingly, the panel finds the facts of allegation 8 proved limited to Mr Akbar's actions set out in allegation 7.

9. You inappropriately attempted to prevent members of staff from making disclosures to external authorities about events in the School.

In considering this allegation, the panel noted that the allegation refers to disclosures to 'external authorities.' The panel concluded this excluded disclosures to the press. The panel noted that on 7 July 2014 Mr Akbar sent an email to named members of staff copied to certain Governors. In this email Mr Akbar referred to an article published in The Telegraph newspaper on 5 July 2014. He went on to say the following in the email, namely:

'However, even more concerning is that I received a letter from the EFA with terms of reference dated 1 July 2014 stating that the EFA would be visiting the Academy on 4 and 7 July 2014 as part of their ongoing inspections. In this letter, there is a paragraph that makes explicit reference to Oldknow Academy invoices and it is clear that someone has breached the Academy's protocols by leaking sensitive and confidential invoices to the EFA.'

The following words then appeared in bold and underline type:

Oldknow Academy takes these breaches very seriously and I am writing to you to let you know that we are considering an immediate internal and external investigation into these leaks; such actions are wholly unacceptable and non-negotiable.'

The email went on to say at a later point:

'If staff do not comply with the Academy Rules, Policies and Procedures or achieve the required standards, it potentially leaves us no choice but to invoke the relevant disciplinary and/or capability procedures against the offending employee(s).'

The panel is satisfied that the EFA is an external authority and Mr Akbar was threatening employees with disciplinary action for making such disclosures. This was inappropriate. The panel finds the facts of allegation 9 proved.

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

Our findings in relation to Mr Jahangir Akbar are as follows:

Having found allegations 1a ii, 1d i, 2, 3a, 3c, 4, 5b, 6, 7, 8 and 9 to have been 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.

The panel is satisfied the Mr Akbar's conduct breached the personal and professional conduct elements of the Teachers' Standards. Mr Akbar failed to uphold public trust in the profession and maintain high standards of ethics and behaviour in that he:

- did not have regard to the need to safeguard pupils' well-being, in accordance with statutory provisions;
- undermined fundamental British values, including mutual respect and tolerance of those with different faiths and beliefs;
- was dishonest in his conduct in relation to the SCR;
- did not act within statutory frameworks which set out professional duties and responsibilities, notably the obligation under section 78 of the Education Act 2002 to provide a balanced and broadly based curriculum which promoted the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and which prepared pupils at the school for the opportunities, responsibilities and experiences of later life.

The panel is satisfied that Mr Akbar's conduct was misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The panel is also satisfied that the conduct displayed by Mr Akbar would be likely to have a negative impact on his status as a teacher, potentially damaging the public's perception of him, therefore bringing the profession into disrepute. The panel is, therefore, satisfied that Mr Akbar's conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The panel's recommendation in relation to Mr Jahangir Akbar is as follows:

The panel has considered the submissions put forward in mitigation by Mr Akbar. The panel has also taken into consideration evidence given by witnesses, including the three teachers called on behalf of Mr Akbar, who were non-Muslim, who spoke about Mr Akbar in positive terms. The evidence of a number of witnesses is to the effect that some of the governors were exercising a significant influence in the direction of the school. The panel has also had regard to Mr Akbar's previous good history. The panel noted that Mr Akbar had spent 10 years in faith schools and three years in the maintained non-faith sector. The panel recognised that this might not have provided him with the best preparation to perform his role as Vice Principal in a non-faith maintained school. Further, when he became Acting Principal, he had neither the skills nor experience required for such a senior role at that unique time in the school's history. It was also noted that the governing body at that time was having an increasingly influential and, in the view of the panel, inappropriate role in operational matters at the school.

It is also relevant to note that the results of the Ofsted inspection in January 2013, which was the latest inspection report at the time of Mr Akbar's arrival at the school in April 2013, said that the school's *'contribution to pupils' spiritual, moral, social and cultural development is exceptionally good. The very wide range of different cultures is celebrated, opportunities are provided for prayer at appropriate times, and assemblies reflect the different faith groups in the academy..... The academy is a friendly and racially harmonious place, where discrimination of any kind is not tolerated.'*

Notwithstanding this, the panel's view of the evidence presented is that at the time of Mr Akbar's arrival at the school, the governors were clearly having a major influence in the religious direction that the school was taking.

Mr Akbar said that he did not question himself as to what was an appropriate amount of religion at the school and the panel believe that his previous experience may have influenced his approach. Mr Akbar's actions were deliberate and there is no evidence that he was acting under duress. The panel recognises that Mr Akbar came to the school as an enthusiastic and ambitious teacher. He described this as a *"beautiful opportunity."* However, his lack of experience, both as a senior manager and of teaching in a non-faith state school, meant that he was not equipped to challenge the governors, some of whom clearly had their own agenda. In Mr Akbar's own words, he was *"in the wrong time, wrong place."* The panel was of the same opinion.

It has been submitted on his behalf that he became out of his depth and the panel concurs with this submission. Against this background, the panel has found that, over time, by his actions and omissions, Mr Akbar came to agree with the position held by the governors.

The panel is satisfied that Mr Akbar's conduct was incompatible with being a teacher for the following reasons:

- his conduct involved a serious departure from the personal and professional conduct elements of the Teachers' Standards;
- his actions and inactions undermined fundamental British values of mutual respect and tolerance of those with different faiths and beliefs;
- his actions in relation to the Single Central Record were dishonest (although the panel did not find that this had any adverse or serious consequence or that it was repeated).

The panel considered the mitigating factors in this case, including those mentioned above. The panel has taken into account Mr Akbar's previous good history and the fact that his conduct took place in a situation in which the direction was set by some governors at the school.

The panel considers that a prohibition order is necessary in the public interest in order to protect pupils, maintain public confidence in the teaching profession and declare and uphold proper standards of conduct. The panel has concluded that a prohibition order should be made in relation to Mr Akbar. The panel is satisfied that this is proportionate in this case. This is the panel's recommendation.

The panel considered whether to recommend that Mr Akbar should have the opportunity to apply to have the prohibition order set aside or whether he should not have such an opportunity.

Mr Akbar himself requested that the panel does not recommend a lifetime ban and that he be "*given the time to better myself.*"

As already stated, although the panel has made a finding of dishonesty, the panel did not regard this as serious dishonesty that, of itself, should preclude the opportunity to apply for a prohibition order to be set aside. Furthermore, although the panel has found that Mr Akbar agreed to the inclusion of an undue amount of religious influence, the panel has not made a finding that Mr Akbar was promoting religious extremism.

Mr Akbar has pointed out that he had no mentor or coach and that he lacked support during the period of his tenure at the school, which included the wider 'Trojan Horse' allegations and publicity. The panel accepts this.

Taking into account Mr Akbar's lack of experience, the influence of the governors and his previous good history, the panel believes that he should have an opportunity to demonstrate to a future panel that the prohibition order should be set aside. If this recommendation were to be accepted, in the panel's view, Mr Akbar would need to be able to demonstrate his understanding of and ability to implement a balanced and

broadly based curriculum which promotes the spiritual, moral, cultural and mental development of pupils and which prepares pupils at the school for the opportunities, responsibilities and experiences of later life. He would also need to demonstrate a strength of character and leadership skills to enable him to challenge inappropriate influences with regard to education.

The panel believes that Mr Akbar should have the opportunity to apply for the prohibition order to be set aside after a period of five years. This is the panel's recommendation.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to the findings and recommendations of the panel in this case. The panel has found a number of allegations proven and I have put from my mind those allegations that the panel has not found proven.

The panel is satisfied that Mr Akbar's conduct breached the personal and professional conduct elements of the Teachers' Standards. He has failed to uphold public trust in the profession and maintain high standards of ethics and behaviours. Mr Akbar's behaviour was misconduct of a serious nature, falling significantly short of the standards expected of a teacher. The panel has determined that Mr Akbar's behaviour amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether to recommend prohibition as an appropriate and proportionate sanction the panel has properly balanced the interests of the public with those of Mr Akbar. The panel has found a number of public interest considerations to be relevant in this case namely:

- the protection of pupils;
- the maintenance of public confidence in the profession; and
- the declaring and upholding of proper standards of conduct.

The panel has been clear that Mr Akbar's actions were deliberate and there is no evidence to suggest he was acting under duress.

I have taken into account the guidance published by the Secretary of State on advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession. In all of the circumstances set out I agree with the panel's recommendation that prohibition is an appropriate and proportionate sanction.


In considering whether it would be appropriate to allow Mr Akbar to apply to have the order set aside the panel has noted that he lacked support during the period of his tenure

at the school. The panel has also paid due regard to the influence of governors and his previous good history. I agree with the recommendation that Mr Akbar should be allowed to apply to have the order set aside after a minimum period of 5 years has passed. This should allow Mr Akbar sufficient time to demonstrate his understanding of, and ability to implement, a balanced and broadly based curriculum which promotes the spiritual, moral, cultural and mental development of pupils and which prepares pupils at the school for the opportunities, responsibilities and experiences of later life alongside demonstrating a strength of character and leadership skills to enable him to challenge inappropriate influences with regard to education.

This means that Mr Jahangir Akbar 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 24 December 2020, 5 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 Jahangir Akbar remains prohibited from teaching indefinitely.

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

Mr Jahangir Akbar 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.



Decision maker: Paul Heathcote

Date: 17 December 2015

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