



National College for
Teaching & Leadership

Mr Hamza Jalal Tariq: Professional conduct panel outcome

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

November 2016

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

Teacher: Mr Hamza Jalal Tariq

Teacher ref number: 1162398

Teacher date of birth: 01 August 1988

NCTL case reference: 14317

Date of determination: 24 November 2016

Former employer: Tower Hamlets Pupil Referral Unit, London

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 November 2016 – 24 November 2016 at GPhC Office, 25 Canada Square, London, E14 5LQ to consider the case of Mr Hamza Jalal Tariq.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Mr Martin Greenslade (lay panellist) and Ms Julia Bell (lay panellist).

The legal adviser to the panel was Harry Rasmussen of Eversheds LLP.

The presenting officer for the National College was Christopher Geering of 2 Hare Court chambers.

Mr Hamza Jalal Tariq was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 23 March 2016.

It is alleged that Mr Hamza Jalal Tariq is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Tower Hamlets PRU (the “PRU”):

- 1. He engaged in inappropriate conduct towards pupils in that he:**
 - a. Swore at, or within the hearing of, pupils on one or more occasions**
 - b. Had playfight(s) with pupils, on one or more occasions**
 - c. Gave a pupil a “wedgie”**
 - d. Flicked rubber band(s) at pupil(s)**
 - e. Jumped on and off a table**
 - f. “Spudded” pupils, on one or more occasions**
 - g. On one occasion “spudded” a pupil and/or said “safe”, or words to that effect, after the pupil had been excluded from class for swearing**
 - h. On one occasion, within the hearing of pupil(s):**
 - i. said “fuck Individual P, that fucking bitch” or words to that effect**
 - ii. called Individual P a “snitch” or words to that effect**
 - iii. encouraged pupil(s) not to attend Individual P’s lessons**
 - i. Smoked within sight of pupil(s)**
 - j. Facilitated pupil(s) smoking**
 - k. Gave pupil(s) crisps and/or sweets and/or fizzy drinks as rewards**
 - l. Allowed pupil(s) to go to the shops to purchase crisps and/or sweets and/or fizzy drinks**
 - m. Allowed pupil(s) to use mobile phone(s) in lessons**
- 2. He engaged in inappropriate conduct towards staff in that he undermined efforts by staff to discipline pupil(s) in that he:**

- a. Did not support Individual P when she instructed pupil(s) to leave his lesson
 - b. Did not support Individual P and/or take appropriate action when a pupil swore at her
 - c. Refused to help other staff deal with an incident in a dining room
 - d. Acted as set out in paragraphs 1.g. and/or 1.h. above
3. He ignored staff instructions and/or rules that he should not:
- a. Be over-familiar with pupils
 - b. Reward pupils with crisps and/or sweets and/or fizzy drinks
 - c. Allow pupil(s) to go to the shops
 - d. Smoke in front of pupil(s)
 - e. Leave the school to smoke without permission
4. Within the hearing of pupil(s) he condoned the terrorist attack on Charlie Hebdo
5. In the course of conducting his teaching responsibilities, he inappropriately:
- a. Allowed pupil(s) to watch You Tube clips
 - b. Allowed pupil(s) to play computer games
 - c. Allowed his classroom door to be locked and/or refused to allow staff entry
 - d. Covered the window in his classroom door
 - e. Deliberately neglected his responsibilities to teach maths during lessons
 - f. Did not produce adequate records relating to his teaching of pupil(s)
6. He inappropriately attended the PRU after being instructed not to do so and spoke to a pupil

C. Preliminary applications

Anonymised pupil list

The panel noted that no anonymised pupil list has been provided within the papers and that certain documentary evidence refers to pupils by name, and that it is likely that those witnesses giving oral evidence at the hearing may need to refer to pupils by name. In considering the discretion conferred to it by paragraph 4.60 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”), the panel considered that the best means of addressing this issue would be to direct witnesses giving oral evidence to only refer to pupils by their christian name. This would allow for their identification with reference to the papers. The panel directed that, following the hearing, the names of any such pupils should be struck from the recorded transcript of the hearing.

In coming to this decision, the panel noted that there were no members of the public observing the hearing today. The panel will keep in mind this issue should any members of the public later seek to observe the hearing and then deal with the issue at that point.

Submission of additional documents

The panel then considered an application by the presenting officer to admit the following additional documents (collectively referred to as Appendix A):

1. a letter from Nabarro to Mr Tariq, dated 18 November 2015 (pages 1 - 2)
2. a letter from Mr Tariq to the National College with enclosures, dated 15 February 2016 (pages 3- 5)
3. a letter from the National College to Mr Tariq, dated 24 February 2016 (pages 6 - 7)
4. the Notice of Proceedings, dated 23 March 2016 (pages 8 - 16)
5. a letter from Mr Tariq’s father to the Secretary of State and enclosures, dated 27 April 2016, (pages 17 - 58)
6. a letter from Nabarro to Mr Tariq disclosing the witness statement of Individual P, dated 5 May 2016, (pages 59 – 60)
7. a letter from Nabarro to Mr Tariq disclosing witness statements of Individual L, Individual O and Individual N, dated 7 July 2016 (page 61)
8. a letter from Nabarro to Mr Tariq enclosing a Case Management Hearing application, dated 19 August 2016 (pages 62 - 63)
9. an email from Mr Tariq to the National College, dated 23 August 2016 (page 64)
10. an email from Nabarro to Mr Tariq and enclosures, dated 8 September 2016 (pages 68 - 71)

11. an email from Nabarro to Mr Tariq, enclosing letter and Individual M's witness statement, dated 4 October 2016 (pages 65 - 68)
12. a letter from the National College to Mr Tariq, dated 15 October 2016 (page 71)
13. an email from Nabarro to Mr Tariq with enclosures, dated 17 October 2016 (pages 72 - 76)
14. an email from Nabarro to Mr Tariq and enclosures, dated 17 October 2016 (pages 77 - 79)
15. a letter from the National College to Mr Tariq and enclosure, dated 3 November 2016 (pages 80 - 87)
16. a letter from the National College to Mr Tariq, dated 27 October 2016 (page 88)

The panel considered whether to exercise its discretion under paragraph 4.18 to admit the aforementioned documents, which had not been submitted to the panel and the other party to the proceedings at least 4 weeks prior to the hearing. The panel noted that it may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel decided to admit the documents. The panel noted that the additional documents do not provide additional evidence or allegations against Mr Tariq and therefore, further to the presenting officer's representations, Mr Tariq is not being disadvantaged. The documents are material to deciding whether to proceed in the absence of Mr Tariq, and therefore considered that they are relevant to the case.

In addition to Appendix A, the panel identified that page 5 of Mr Individual K's witness statement was missing from the bundle at the commencement of the hearing. This was duly supplied by the National College and considered by the panel. The panel decided to exercise its discretion to admit this document pursuant to paragraph 4.18 of the Procedures, on the basis that it was considered fair to do so and relevant to the case. The panel directed that this document be referred to as page 20a in the bundle.

In admitting the aforementioned documents, the panel considered at all times the potential that the hearing may proceed in Mr Tariq's absence (see below) and that it should exercise caution on this basis. Whilst the panel noted that Mr Tariq may not have previously received page 20a, the panel considered that through questioning Individual K during his oral evidence, any prejudice of this to Mr Tariq will be ameliorated.

Proceeding in the absence

The panel has considered whether this hearing should continue in the absence of the teacher, following an application from the presenting officer.

The panel is satisfied that the National College has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings (page 5) complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel also noted that that Mr Tariq has been given the necessary information relating to the re-listed hearing (page 15) in accordance with paragraph 4.35 of the Procedures, which was in fact re-listed to take place in London, as opposed to Coventry, at Mr Tariq's request. The panel was satisfied that the letter at page 15, dated 14 October 2016, provided Mr Tariq with the time, date and place of the re-listed hearing as soon as was practicable. This is notwithstanding that this information was given to Mr Tariq less than 8 weeks before commencement of the re-listed hearing.

Following advice, the panel also considered paragraph 4.14 of the Procedures, which requires that Mr Tariq must be notified of changes to the identity of panel members as soon as possible after they are known to the National College. In this regard, the panel noted that the letter at page 15 of the bundle does not identify that Mrs Julia Bell will be sitting as a panellist, in place of Ms Karen McArthur. The presenting officer today produced a letter from the National College to Mr Tariq, dated 27 October 2016, which identifies the correct panel for the re-listed hearing, including Mrs Bell. The panel was therefore, satisfied that paragraph 4.14 of the Procedures has been complied with. For the sake of completeness, this document is page 88 in Appendix A.

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher. The panel understands that its discretion to commence a hearing in the absence of Mr Tariq has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that Mr Tariq may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel considers that Mr Tariq is aware of the proceedings. The Notice of Proceedings, dated 23 March 2016 (page 5) was sent to Mr Tariq's last known address. The panel noted that Mr Tariq has corresponded from the address to which the Notice of Proceedings was sent (see page 3 of Appendix A). The panel also noted that correspondence has been sent by Mr Tariq's father from Mr Tariq's last known address, following service of the Notice of Proceedings (see page 17 of Appendix A). The Notice of Proceedings gave Mr Tariq more than 8 weeks' notice of the

then anticipated hearing date, and it is noted that the hearing has since been adjourned and re-listed, therefore giving Mr Tariq a longer period to be aware of the proceedings.

The panel notes that the letter notifying Mr Tariq of the details of the re-listed hearing (page 15) and the letter notifying Mr Tariq of the composition of the updated panel (page 88 Appendix A) were both sent to Mr Tariq's last known address. The panel notes that whilst Mr Tariq was responding to correspondence from the National College up until 23 August 2016 (page 64 in Appendix A – a response from Mr Tariq by email), he has since failed to engage or respond to the National College. This is notwithstanding that correspondence has been sent to Mr Tariq since that date using his last known address and email address (pages 65 – 80 of Appendix A, for example).

The panel therefore, considers that Mr Tariq has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

Additionally, the panel accepted representations made by the presenting officer that the National College has taken a number of steps to accommodate Mr Tariq, which include: moving the venue of the hearing to London further to Mr Tariq's request; extending the duration of the hearing and also offering to assist Mr Tariq in obtaining certain documentation. The panel considered that further adjournments to the hearing would result in further increased costs to the public purse, and additional inconvenience to those witnesses attending the already re-listed hearing.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in the teacher attending the hearing, and the panel note that the hearing has already been adjourned once at Mr Tariq's request.

The panel has had regard to the extent of the disadvantage to Mr Tariq in not being able to give his account of events, having regard to the nature of the evidence against him. The panel notes that the documentation sets out Mr Tariq's position in relation to the allegations put to him during the PRU's internal disciplinary investigation (pages 80 – 90) as well as Mr Tariq's extensive mitigation evidence (pages 185 – 209). The panel therefore, has the benefit of certain representations made by the teacher and is able to ascertain the lines of defence. The panel also has the teacher's evidence addressing mitigation and is able to take this into account at the relevant stage.

The panel notes that the National College is calling witnesses to give evidence and the panel can test their evidence through questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence.

The panel has not identified any significant gaps in the documentary evidence provided to it, save for page 5 of Individual K's witness statement. Should such further gaps arise during the course of the hearing, the panel may take these into consideration when making a decision as to whether the hearing should be adjourned. In doing so, that would allow for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 15

Section 3: NCTL witness statements – pages 17 to 50

Section 4: NCTL documents – pages 52 to 181

Section 5: Teacher documents – pages 183 to 225

In addition, the panel agreed to accept the following documents, collectively identified as Appendix A:

1. a letter from Nabarro to Mr Tariq, dated 18 November 2015 (pages 1 - 2)
2. a letter from Mr Tariq to the National College with enclosures, dated 15 February 2016 (pages 3- 5)
3. a letter from the National College to Mr Tariq, dated 24 February 2016 (pages 6 - 7)
4. the Notice of Proceedings, dated 23 March 2016 (pages 8 - 16);

5. a letter from Mr Tariq's father to the Secretary of State and enclosures, dated 27 April 2016, (pages 17 - 58)
6. a letter from Nabarro to Mr Tariq disclosing the witness statement of Individual P, dated 5 May 2016, (pages 59 – 60)
7. a letter from Nabarro to Mr Tariq disclosing witness statements of Individual L, Individual O and Individual N, dated 7 July 2016 (page 61)
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15. a letter from the National College to Mr Tariq and enclosure, dated 3 November 2016 (pages 80 - 87)
16. a letter from the National College to Mr Tariq, dated 27 October 2016 (page 88)

In addition to those documents at Appendix A, the panel admitted page 20a to the bundle: page 5 of Mr Individual K's witness statement, dated 3 May 2016.

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

Witnesses

The panel heard oral evidence on behalf of the National College from:

Individual K, learning mentor

Individual L, deputy centre manager

Individual M, Centre manager

Individual N, former headteacher of the PRU

Individual O, English teacher

Individual P, literacy intervention coordinator

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.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Mr Tariq was employed at Tower Hamlets PRU on a supply basis as of September 2013. In September 2014 he was appointed as a Maths teacher at the PRU. As set out in the allegations, between September 2013 and April 2015 it is alleged that Mr Tariq smoked in front of pupils, swore at or within the hearing of pupils, made inappropriate comments and generally acted inappropriately and in an over-familiar manner with pupils. Allegations have also been raised concerning Mr Tariq's teaching, non-compliance with PRU policy and rules, and his behaviour towards other staff members. An allegation has also been made against Mr Tariq concerning inappropriate comments made in front of pupils regarding the Charlie Hebdo incident in Paris.

Following concerns regarding Mr Tariq's conduct, Individual K made a report to Individual M on 2 February 2015. An investigation was undertaken by the PRU in relation to the allegations raised against Mr Tariq. Subsequently, on 11 February 2015, Mr Tariq was suspended from PRU. He resigned from his post on 16 April 2015.

It is also alleged that Mr Tariq broke the conditions of his suspension.

Since the panel decided to proceed with this hearing in the absence of the teacher, it has exercised vigilance in making its decisions, taking into account the degree of risk of reaching the wrong decision as a result of not having heard oral evidence from Mr Tariq and given that he has not had the opportunity to test the evidence. The panel exercised great caution both in its questioning of the witnesses who attended to give evidence and during its deliberations.

Findings of fact

Our findings of fact are as follows:

In coming to its conclusion in respect of the following allegations, and noting the absence of Mr Tariq at the hearing, the panel had in mind that Mr Tariq has stated that he emphatically denies the allegations against him (page 183). The panel also noted, however, that this position is inconsistent with reference to other documentation within the bundle, particularly the information provided by Mr Tariq in his PRU disciplinary investigation interview (pages 80 – 90). This investigation interview identifies certain

admissions or concessions made by Mr Tariq that are not in keeping with his blanket denial of the allegations at page 183.

The panel felt that the evidence provided by each of the witnesses called by the National College was consistent and credible. Through its questioning of the witnesses, the panel found no evidence to support Mr Tariq's assertion that the allegations against him are a *"total fabrication by some of the member[s] of staff"* (as per his comment at page 183), albeit that some witnesses had no knowledge of some of the allegations. Each of the National College witnesses were emphatic in their rejection of Mr Tariq's assertion that all of the members of staff were lying. The panel was persuaded by the strength of the credibility of the National College's witnesses.

With that in mind, the panel has found the following in respect of the particulars of the allegation(s) against you:

1. You engaged in inappropriate conduct towards pupils in that you:

a. Swore at, or within the hearing of, pupils on one or more occasions

The panel noted that this allegation is raised within the witness statements of both Individual K (page 21) and Individual P (page 20). Both witnesses state that they have heard Mr Tariq swear at students on more than one occasion. The panel found that Individual K and Individual P's oral evidence corroborated this, and noted Individual K's evidence that swearing at pupils appeared to be how Mr Tariq often tried to resolve difficult behaviour.

The panel concluded that since the evidence in support of this allegation suggests that Mr Tariq swore at, or within the hearing distance of pupils on multiple occasions, Mr Tariq's conduct in this regard was inappropriate.

The panel therefore, found this allegation to be proven.

b. Had playfight(s) with pupils, on one or more occasions

The panel heard evidence from Individual P that she witnessed Mr Tariq play fighting with students in the Third Base breakout room. In this regard, she described how Mr Tariq would pick students up and grapple with them in a playful manner.

The panel noted that this corroborated Individual K's evidence in support of this allegation, as per his witness statement (page 20a). In his witness evidence Individual K states that he witnessed Mr Tariq placing his arm around pupils, near their neck, in order to pull them to the floor. He states that whilst this was similar to play fighting, and Mr Tariq's intention was not to harm pupils, the pupils would not retaliate. Individual K also comments that this *"created a negative vibe as pupils were laughing at whoever had been pulled down"* (page 20a).

The panel therefore, found this allegation to be proven.

c. Gave a pupil a “wedgie”

Whilst the panel noted that Mr Tariq denied this allegation, describing it as “disgusting” during his PRU disciplinary investigation interview (page 80), it preferred the evidence of Individual K who, in his signed witness statement, describes witnessing Mr Tariq give a pupil a wedgie in January 2015 (page 20a). In his oral evidence, Individual K explained how he was shocked to see this, and described how the student subjected to this behaviour clearly felt ashamed.

The panel therefore, found this allegation to be proven. It also found Mr Tariq’s behaviour in this regard to be highly inappropriate, not least due to the humiliation and embarrassment inflicted by Mr Tariq upon a pupil in his care.

d. Flicked rubber band(s) at pupil(s)

The panel noted that this allegation is made by Individual K in his signed witness statement (page 20a). In his live evidence, Individual K described how he was shocked when he saw Mr Tariq sitting at the back of a classroom flicking and firing stationery items at pupils’ heads. This is consistent with Individual K’s account of this allegation provided during the PRU disciplinary investigation process (page 53).

The panel therefore, found this allegation proven.

e. Jumped on and off a table

The panel heard evidence from Individual P who described witnessing Mr Tariq jumping on and off a table whilst in the presence of pupils. She stated that she clearly saw Mr Tariq do this, and was right next to him when this event took place. This was in keeping with her witness statement (page 26) and her account provided during the PRU disciplinary investigation (page 56).

The panel therefore, found this allegation proven.

f. “Spudded” pupils, on one or more occasions

The panel noted that this allegation was common to much of the witness evidence it heard. The panel considered the witness statements of Individual P (page 26), Individual L (pages 31 and 35) and Individual M (pages 42 and 43) in support of this allegation to be compelling. Additionally, the panel noted that this was corroborated by Individual M and Individual L during their oral evidence.

Additionally, the panel noted that Mr Tariq did not deny this allegation during his PRU disciplinary investigation interview, in which he stated that “*spudding gets us closer*” (with reference to the pupils at the PRU) (page 80), albeit that this is inconsistent with his blanket denial of all of the allegations (page 183).

The panel heard evidence from Individual M that such behaviour on the part of Mr Tariq was representative of his over-familiarity with pupils at the PRU, which was counter to the PRU's approach to ensuring its pupils returned to mainstream schooling.

The panel therefore, found this allegation proven.

g. On one occasion “spudded” a pupil and/or said “safe”, or words to that effect, after the pupil had been excluded from class for swearing

The panel noted the consistent accounts in support of this allegation in the witness statements of both Individual P (page 26) and Individual L (page 31), a witness to the event. In her witness statement, Individual L states than rather than talking to the student to try and diffuse the situation, Mr Tariq “spudded” him, put his arm around him, and led him away (page 31).

Mr Tariq's account of this event is that he reprimanded the offending student, and did so in front of two other members of staff, after the student had sworn at Individual P (page 83). Mr Tariq's account was put to Individual L by the presenting officer during Individual L's oral evidence. Individual L refuted Mr Tariq's account and emphasised that the event took place as she recalled it.

The panel therefore, found this allegation proven.

h. On one occasion, within the hearing of pupil(s):

i. said “fuck Individual P, that fucking bitch” or words to that effect

The panel noted the evidence provided by Individual K in his witness statement in support of this allegation (page 20). This was consistent with Individual K's account of events provided during the PRU disciplinary investigation (page 53). The panel also noted from Individual P's witness evidence (page 27) that she had been informed of Mr Tariq's conduct in this regard by Individual K.

The panel considered Individual P's account of this allegation to be persuasive, rather than compelling, given that it is hearsay. Nevertheless, the panel found this allegation to be proven.

ii. called Individual P a “snitch” or words to that effect

The panel considered the witness statement of Individual K in support of this allegation (page 20) who describes hearing Mr Tariq make such comments to students. The panel also noted that in her witness statement, Individual P states that Individual K informed her that Mr Tariq had told pupils that she used to “snake” (i.e. snitch) on them (page 27). Individual P also described how the pupils would call her a snake (page 27) (i.e. snitch), and also gave oral evidence that pupils would hiss at her (implying that she was a snitch).

The panel therefore, considered this allegation to be proven.

iii. encouraged pupil(s) not to attend Individual P's lessons

The panel had regard for Individual K's witness statement (page 20a), in which he describes hearing Mr Tariq making such comments to pupils. In his live evidence, Individual K described how he was shocked to hear Mr Tariq say such things, which served to inflame the students.

The panel therefore, considered this allegation to be proven.

i. Smoked within sight of pupil(s)

The panel noted that in his witness statement, Individual K states that Mr Tariq, on more than one occasion, was seen smoking in the presence of pupils (page 18). In her witness evidence, Individual P describes how she noticed that when Mr Tariq returned from a walk with a pupil, they both smelled as though they had been smoking (page 28).

Additionally, in her witness statement, Individual L describes how Mr Tariq would leave the Third Base building in order to smoke, and that on one occasion a pupil reported that they could see Mr Tariq smoking from their classroom window (page 35). The panel noted that during his disciplinary investigation interview, Mr Tariq stated that "*sometimes if they're late, they may have seen me*" (page 88).

The panel therefore found this allegation to be proven.

j. Facilitated pupil(s) smoking

The panel has heard live evidence from Individual K in support of this allegation. Individual K states that he witnessed Mr Tariq supply a cigarette lighter to a pupil (who was 13 years old at the time) in order for her to light a cigarette (page 19). The panel found Individual K to be a credible witness, and noted that he corrected his PRU disciplinary interview record, which incorrectly states that he saw Mr Tariq provide a pupil with a cigarette, as opposed to a cigarette lighter.

The panel therefore, finds this allegation to be proven.

k. Gave pupil(s) crisps and/or sweets and/or fizzy drinks as rewards

The panel noted that this conduct was admitted by Mr Tariq in his PRU disciplinary interview. When asked how he rewarded pupils, Mr Tariq stated that, "*I give them verbal praise, I tell parents. They might get a treat or chocolate bar as an incentive ... I don't give them fizzy drinks or crisps*" (page 87).

In her live evidence, Individual L stated that there was no PRU-wide policy that permits the use of treats in the manner described by Mr Tariq. However, she stated that there may be instances where it would be acceptable for a teacher to provide treats to pupils,

and she gave the example of doing so at the end of term. She stated that the other staff do not routinely give treats in the way described by Mr Tariq.

In his live evidence, Individual M explained that in behaving in this way, Mr Tariq appeared to be buying the favour of pupils. He stated that the use of treats in this way was not in keeping with the reward system in use at the PRU, pursuant to which pupils could receive credits or points for good behaviour.

The panel found that whilst the PRU had a reward policy in place that did not formally include teachers providing treats to pupils. In her live evidence Individual O stated that she was not sure what the policy at the PRU was with regard to giving the pupils sweets. In her live evidence, Individual P stated that she keeps a box of chocolates in her classroom and may let the children have a chocolate during lesson.

The panel therefore, found that whilst Mr Tariq gave pupils treats as a reward, it could not conclude that his behaviour was inappropriate in the PRU setting, noting the lack of understanding and consistency amongst other staff in the application of the correct rewards policy.

The panel therefore, found, on balance, that this allegation was not proven.

I. Allowed pupil(s) to go to the shops to purchase crisps and/or sweets and/or fizzy drinks

The panel noted Mr Tariq's comments in relation to this allegation, provided during his PRU disciplinary interview. The panel noted that Mr Tariq appeared to admit allowing the students to go to the shops on two or three occasions (page 81). However, he stated that on such occasions the students just buy water and juice (page 82).

When asked how the students came back from football sessions with Mr Tariq having bought sweets, crisps and fizzy drinks from the shops, Mr Tariq stated "*we usually wait outside when they go in by themselves. There is usually one member of staff for 3-4 students. We don't walk in a big huddle*" (page 82). It therefore appeared to the panel that Mr Tariq did not supervise what the pupils bought when at the shops.

In his witness statement, Individual K stated that he witnessed Mr Tariq allowing pupils to go to the shops on the way back from the football pitch (page 19). Individual K stated that Mr Tariq did this notwithstanding that this went against PRU rules (pages 19 and 20).

The panel noted Individual P's witness evidence, in which she states that she overheard a conversation between pupils in which it was said that the pupils went to the shop to buy sweets and cigarettes (page 27). The panel noted that Individual P's evidence in this regard was hearsay.

Additionally, the panel noted the witness evidence of Individual L, who states that Mr Tariq was informed not to allow pupils to go to the shops whilst they were out at football

over lunch time. Individual L stated that following this and a second briefing, children were noted to be returning from football with Mr Tariq with sweets and fizzy drinks (page 33).

The panel therefore, found this allegation proven.

m. Allowed pupil(s) to use mobile phone(s) in lessons

Whilst the panel heard that Individual M was somewhat reserved as to whether this allegation carried weight, the panel noted that the witness statement of Individual P is supportive of this allegation (page 26). In her witness statement, she refers to receiving information from a pupil that another pupil had been taking photographs using their mobile phone during Mr Tariq's class (page 26), albeit that the panel noted this was hearsay. In her live evidence, Individual P told the panel that there is a strict policy prohibiting pupils from carrying mobile phones at the PRU.

Whilst the panel felt that the alleged conduct giving rise to this allegation would be in keeping with those allegations found proven against Mr Tariq, given the lack of primary evidence supporting this allegation, the panel found, on balance, that this allegation was not proven.

With respect to each of those allegations found proven above, the panel also finds Mr Tariq's conduct to have been inappropriate. In reaching this conclusion, the panel had particular regard to the mandate of the PRU to return pupils to mainstream education, and the manner in which it seeks to achieve this.

2. You engaged in inappropriate conduct towards staff in that you undermined efforts by staff to discipline pupil(s) in that you:

a. Did not support Individual P when she instructed pupil(s) to leave your lesson

The panel has considered Individual P's account of this allegation, as set out in detail in her witness statement (pages 24 and 25). Individual P describes how, on several occasions, she went in to Mr Tariq's maths class to bring pupils into her literacy class, and when pupils refused to do so, Mr Tariq offered no support. She states that she asked why pupils did not want to leave their maths lessons with Mr Tariq, she was told "*they did not do any work in maths and could just watch videos and play games*" (page 24).

In her witness statement, Individual P goes on to state that eventually she did not bother trying to get pupils to come for tutoring during Mr Tariq's lessons, "*as [she] cannot force them to leave the lesson and Mr Tariq was unsupportive. In the end [she] changed the timetable so that [she] did not have to collect pupils from his lessons*" (page 25).

The panel was satisfied that, on balance, this allegation was proven.

b. Did not support Individual P and/or take appropriate action when a pupil swore at her

The panel noted that in her witness statement, Individual P refers to an incident during which Mr Tariq laughed after hearing a student swear at her. She states that Mr Tariq made no attempt to intervene or make sure the pupil was aware that their behaviour was unacceptable (page 25). Additionally, the panel has found the facts in relation to allegation 1.g. proven which are pertinent to this allegation.

The panel finds this allegation to be proven.

c. Refused to help other staff deal with an incident in a dining room

Individual L gives evidence in support of this allegation in her witness statement (page 35). She states that instead of assisting staff deal with a volatile student, Mr Tariq played music on his mobile phone and told Individual L to “relax”.

Mr Tariq denies Individual L’s account of events, and states that he sorted out the behaviour issues and *“had to step in and sort it out [himself]”* (page 84). Mr Tariq states that he said “relax” to the students, not Individual L, and that he could not recall Individual L being present at the incident (page 84).

In her live evidence, Individual L disagreed with Mr Tariq’s version of events. She further explained that other members of staff were assisting with the situation whilst Mr Tariq was sitting amongst pupils listening to music on his mobile telephone.

The panel therefore, found this allegation to be proven

d. Acted as set out in paragraphs 1.g. and/or 1.h. above

For the reasons set out in relation to allegations 1.g. and 1.h. above, the panel finds this allegation to be proven.

Having found the facts giving rise to allegations 2.a. to 2.d. proven, the panel also concluded that Mr Tariq’s conduct towards staff was inappropriate in that it undermined efforts to discipline pupils. Again, the panel noted that the PRU setting in which Mr Tariq worked sees staff deal with challenging pupils. The panel considered that any conduct found to undermine staff efforts to discipline pupils would be inappropriate, particularly in a PRU setting.

3. You ignored staff instructions and/or rules that you should not:

a. Be over-familiar with pupils

The panel has seen evidence from a number of witnesses who support the allegation that Mr Tariq behaved in an overly-familiar manner with pupils, in particular the witness

statements of: Individual L (page 35) and Individual M (pages 42 and 43), and also Individual K's evidence given during the PRU disciplinary investigation (page 53).

The panel heard evidence from Individual L that she informed Mr Tariq on a one-to-one basis that such behaviour was inappropriate, and that it undermined the PRU's methods of helping pupils return to mainstream school. She also stated that this message was relayed to the staff body during one of the daily staff meetings, at which Mr Tariq would have been present.

Individual L told the panel that Mr Tariq did not change his behaviour after being told to do so, and moreover described Mr Tariq's over-familiarity as a "sticking point" for Mr Tariq.

Individual M also gave evidence that Mr Tariq was informed of the need to change his behaviour and failed to do so. He told that panel that, "*his over familiarity had no place in our centre*", and stated that such behaviour was not an appropriate method of trying to relate to pupils.

The panel therefore found this allegation proven.

b. Reward pupils with crisps and/or sweets and/or fizzy drinks

With reference to allegation 1.k. above, the panel found that Mr Tariq had been rewarding pupils with treats as had other members of staff. Given the evidence heard by the panel which presented an apparent ambiguous application of the rewards policy, the panel felt that this allegation was not proven.

c. Allow pupil(s) to go to the shops

The panel noted that Individual K's witness statement supports the allegation that Mr Tariq allowed pupils to go to the shops (page 19). In his account provided to the PRU disciplinary investigation, Mr Tariq concedes that pupils went to the shops two or three times. He also states that they did go to the shops, "*but not after [he] was told*" (page 81).

Individual K goes on to describe how all staff, including Mr Tariq were aware that students were not allowed to go to the shops, and that Mr Tariq was going against PRU rules when he allowed pupils to do so.

In her account provided to the PRU disciplinary investigation, Individual L stated (with reference to allowing pupils to go to the shops): "*He doesn't listen to what we are asking him to do. Hamza was told this with all the staff during a staff briefing*", and described a subsequent incident of allowing pupils to go to the shops: "*he further undermined school rules / policy by not following these specific instructions.*" This position is reiterated in Individual L's witness statement (page 33).

The panel therefore, finds this allegation to be proven.

d. Smoke in front of pupil(s)

With reference to allegation 1.i. above, the panel concludes that Mr Tariq did smoke in front of pupils. In his witness statement, Individual K describes how he informed Mr Tariq that it was not appropriate for him to smoke in front of pupils (page 19). In his oral evidence to the panel, Individual K explained that even after he told Mr Tariq that such behaviour was inappropriate, he continued to smoke in front of pupils.

The panel therefore found this allegation proven.

e. Leave the school to smoke without permission

The panel noted that Individual L's witness statement states that Mr Tariq would leave the Third Base building throughout the day, in order to go for a cigarette, without telling anyone (page 35).

In her live evidence, Individual L stated that whilst Mr Tariq should smoke out of the vision of pupils, he should also speak to her or Individual M when he wanted to go for a cigarette break so that staffing levels could be managed in such a small team at a busy period. Individual L explained that she gave no proviso for Mr Tariq to speak to other members of staff in Individual M's or her absence. She refuted Mr Tariq's comment that he was permitted to take a smoking break if he asked a named member of the administrative staff, in such circumstances (page 85).

The panel noted that Mr Tariq's account at page 85 indicates that he went out to smoke without asking the permission of Individual M or Individual L, in breach of Individual L's instructions.

Accordingly, the panel therefore found this allegation proven.

4. Within the hearing of pupil(s) you condoned the terrorist attack on Charlie Hebdo

The panel noted that in her witness statement, Individual O states that upon a student informing Mr Tariq of the Charlie Hebdo attack in Paris, Mr Tariq stated words to the effect that, "*they should be killed for insulting the prophet*". Individual O states that this happened during a lesson, in the presence of pupils, one or two days after the attack.

In his PRU disciplinary investigation interview, Mr Tariq described this as, "*total crap*". This was put to Individual O during her live evidence. The panel felt she gave a credible and measured account of the incident, reiterating the position in her witness evidence. She gave further information surrounding the conversation leading up to Mr Tariq's comment and denied that Mr Tariq recalled the event correctly. When questioned by the panel, Individual O stated that Mr Tariq's version of events was a lie.

The panel therefore, found this allegation proven.

5. In the course of conducting your teaching responsibilities, you inappropriately:

a. Allowed pupil(s) to watch You Tube clips

The panel noted that in his PRU disciplinary investigation interview, Mr Tariq stated that with regard to children playing computer games or watching YouTube in lessons, “*sometimes, we have 20 minutes in a lesson. Other times they are on My Maths doing lessons*” (page 88). This is confirmed by Individual K’s PRU disciplinary interview comments on the subject, in which he stated that students in Mr Tariq’s class, “*mostly watch YouTube videos or play computer games*” (page 53), albeit that the panel noted this was hearsay.

The panel heard from Individual L that whilst classrooms in Third Base are equipped to play YouTube, only the teacher’s computer has this facility; pupils’ computers do not (save for in music rooms). Individual L stated that each lesson at the PRU is 50 minutes in length, and therefore described 20 minutes worth of YouTube in a maths lesson as ridiculous, as pupils should be spending this time working.

The panel therefore, found this allegation proven. The panel also concluded that whilst resources such as YouTube can provide a useful learning tool for pupils, the extent to which Mr Tariq appeared to use YouTube in lessons was not appropriate.

b. Allowed pupil(s) to play computer games

The panel noted Mr Tariq’s admission that he allowed students to play computer games for up to 20 minutes in a lesson (page 88). As stated above, this is confirmed by Individual K in his PRU disciplinary interview comments on the subject, in which he stated that students in Mr Tariq’s class, “*mostly watch YouTube videos or play computer games*” (page 53), albeit that the panel noted this was hearsay.

The panel also noted that in her witness evidence, Individual P states that on one occasion when she entered Mr Tariq’s classroom, it appeared to her that the pupils were playing computer games and listening to music (page 25).

The panel therefore, found this allegation proven. The panel also found this conduct to be inappropriate.

c. Allowed your classroom door to be locked and/or refused to allow staff entry

The panel noted that Mr Tariq admitted to locking the door to his classroom whilst he was inside with pupils (page 81). This was corroborated by Individual P in her witness statement (page 24), who taught in the classroom next to Mr Tariq. Mr Tariq stated that this was common practice at Third Base (page 81).

Whilst the panel found the allegation against Mr Tariq proven to the extent that he allowed his classroom door to be locked, the panel could not conclude that this was inappropriate. The panel has heard evidence from Individual M, who stated that it is sometimes appropriate to lock classroom doors in order to prevent misbehaving children from entering and disrupting a class. That said, Individual M stated that doors would not be locked as a matter of course.

The panel found that there was insufficient evidence to conclude that Mr Tariq had denied staff entry to his classroom.

d. Covered the window in your classroom door

The panel noted Mr Tariq's concession on this point, as per his PRU disciplinary investigation interview in which he said he covered the glass on his classroom door with a sheet, and that this was common practice. He stated that he would do this, "*if there was a film on*" (page 81).

In her witness statement, Individual P confirms that Mr Tariq would cover the window of the door to his classroom (page 24). The panel heard from Individual L that no other staff did this and that it was a safeguarding risk.

The panel therefore found this allegation proven. The panel also found Mr Tariq's conduct in this regard to be inappropriate.

e. Deliberately neglected your responsibilities to teach maths during lessons

The panel considered Mr Tariq's comments given during the PRU disciplinary investigation on this subject, in which he stated that, "*I was told by ... that there is no requirement for marking*" and that, "*there is a mutual understanding I will not be on their backs all the time*" (page 88).

Individual M told the panel that it was ridiculous to say that he or Individual L had told Mr Tariq that there was no requirement for marking. He stated that the PRU operates under a marking policy, which staff should follow. Individual M explained that whilst the PRU is more relaxed than mainstream schools in the sense that it encourages a level of tolerance and flexibility to the needs of some of its challenging pupils, this does not extend into the approach to teaching at the PRU. Individual M stated that he did not believe that Mr Tariq understood the nuance of the PRU in this regard.

In her live evidence, Individual L told the panel that she spoke to Mr Tariq about the poor quality of his class displays.

Additionally, the panel also considered that the conduct in relation to allegations 5.a. and 5.b. had been found proven.

The panel therefore found this allegation proven. It also considered Mr Tariq's conduct in this regard to be inappropriate.

f. Did not produce adequate records relating to your teaching of pupil(s)

The panel heard live evidence from Individual L that when Individual M took over Mr Tariq's class in his absence from the PRU, there was no written evidence of any work done by Mr Tariq's class. This was corroborated by Individual M during his PRU disciplinary investigation, as per page 71. Individual M took photographs of the only examples of work that he was able to find (pages 76 – 78).

In his PRU disciplinary investigation, Mr Tariq stated that, *"we do work in My Maths, there are no exercise books with a record of learning, it's not like mainstream school"* but that, *"I do have their marked work at home, I can bring it in and show"* (page 86).

In their live evidence, both Individual L and Individual M stated that Mr Tariq had never supplied the marked work that he referred to in his disciplinary investigation interview. Individual M explained that Mr Tariq was required to keep a written record of work, even if work was conducted on computers, not least to present to Ofsted inspectors.

The panel therefore found this allegation proven, and found Mr Tariq's conduct to be inappropriate.

6. You inappropriately attended the PRU after being instructed not to do so and spoke to a pupil

The panel noted that Individual K's witness statement supports this allegation (page 21). Individual K states that Mr Tariq turned up at Third Base on the same day he attended his suspension meeting in another building on the PRU site with Individual N, during which he was told not to go to the Third Base site. Individual K states that Mr Tariq came to the Third Base site just before lunch on the day in question. Mr Tariq came to the classroom in which Individual K was teaching and asked to speak with a pupil outside. Individual K was unaware at the time that Mr Tariq should not be on site, and so allowed this request (page 21).

The panel noted from Individual N's oral evidence that Mr Tariq attended the suspension meeting at the start of the day. He referred to an email in the bundle (page 120) which gives an approximate start time for the meeting of 10am. The panel felt that the timing of this meeting was such that Mr Tariq could have attended the Third Base site before lunch after the conclusion of the suspension meeting, which would be in keeping with Individual K's account of events.

The panel therefore, found this allegation proven.

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

Having found most of the allegations 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.

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

The panel is satisfied that the conduct of Mr Tariq in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Tariq 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, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including ... mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law
- 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 Tariq fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Tariq’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Whilst the panel considered whether the behaviour found proven against Mr Tariq constituted violence, the panel did not conclude this to be the case, and therefore, found that none of the offences were strictly relevant. In particular, the panel considered whether the act of a “wedgie” could amount to violence. The panel concluded that whilst arguably a violent act, Mr Tariq’s intention behind administering a “wedgie” on a pupil was not driven by a

desire to inflict pain, but was more a manifestation of Mr Tariq's immaturity and desire to be liked by his students. Furthermore, the panel felt that taken at its worst, a "wedgie" would only amount to violence at the lowest end of the spectrum.

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

The panel has taken into account how the teaching profession is viewed by others and 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.

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

Having found facts of a large number of the allegations against Mr Tariq found proven, the panel further finds that Mr Tariq's conduct amounts to both unacceptable professional conduct and 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 maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Tariq, which involved facilitating pupils smoking, play fighting with pupils and giving a pupil a "wedgie", there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Tariq was not treated with the utmost seriousness when regulating the conduct of the profession. In this regard, and of

particular seriousness, the panel had in mind the incendiary views expressed by Mr Tariq, in front of pupils, giving rise to allegation 4.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Mr Tariq was outside that which could reasonably be tolerated. The panel noted Mr Tariq's failure to support staff at the PRU, who were operating in a challenging setting, and has seen evidence that Mr Tariq shirked his teaching responsibilities to a large degree.

Notwithstanding the clear public interest considerations that are 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 Tariq.

In carrying out this balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Tariq. 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, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values of democracy ... and mutual respect and tolerance of those with different faiths and beliefs
- a deep-seated attitude that leads to harmful behaviour

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 being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel found that there was no evidence that Mr Tariq's actions were not deliberate, and there was no evidence to suggest that he was acting under duress. In fact, the panel found that Mr Tariq's actions were generally motivated by a combination of immaturity, arrogance and rejection of rules and guidelines. The panel accepts that Mr Tariq did have a previously good history.

The panel has noted Mr Tariq's father's extensive letter of mitigation (pages 184 – 209). Whilst the panel acknowledges the points of mitigation raised therein, the panel also considers that this letter demonstrates (assuming it to accurately reflect Mr Tariq's views) no insight or remorse for Mr Tariq's actions. It instead casts aspersions on other

members of staff at the PRU, who the panel have found to be credible and reliable witnesses. The panel accepts that Mr Tariq is a young teacher early in his career and additionally it is apparent he is immature in his approach to the profession.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Tariq. Whilst the allegations found proven against Mr Tariq are wide-ranging and varied in their severity, the panel felt that certain proven allegations, such as allegations 4 and 6, are of a particularly serious nature. 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 a review period being recommended. One of these behaviours includes intolerance and/or hatred on the grounds of religion. The panel gave this issue serious consideration with reference to allegation 4, and Mr Tariq's comments in relation to the Charlie Hebdo attack in Paris. The panel acknowledged that Mr Tariq's comment ostensibly demonstrated intolerance and hate on the grounds of religion, and that this was particularly concerning given the presence of pupils. However, Individual O, the witness who heard Mr Tariq make this comment, stated that she had never known Mr Tariq to make comments like this before, that it was an isolated event and that she thought it was out of character.

Accepting Individual O to be a particularly reliable witness, the panel felt that Mr Tariq's comment in relation to allegation 4 was symptomatic of his childish and immature attitude to teaching, and his desire to curry favour with pupils. In this regard the panel felt that his comment was made to shock and impress pupils, rather than express a harbouring view of religious intolerance or hatred.

The panel considers that Mr Tariq has shown absolutely no insight into his actions. The panel has heard evidence of Mr Tariq's arrogance towards teaching, and his apparent belief that he knows better than the rest of his colleagues. This mind-set is demonstrated by Mr Tariq breaching the conditions of his suspension and potentially interfering with a witness to the concurrent investigation. The panel also considered that this attitude has impacted on the hearing of Mr Tariq's case. Mr Tariq requested that the hearing be moved to London with a view to accommodating the 20 – 30 witnesses he intended to call. Despite the National College obliging Mr Tariq, he has failed to appear at the hearing, as have his witnesses, and has provided no explanation for this absence.

Notwithstanding the above, the panel understood Mr Tariq to be a young and inexperienced teacher, whose immaturity and arrogant attitude may fade with the passage of time. The panel therefore, felt that the findings indicated a situation in which a review period would be appropriate. As such, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of five years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations made by the panel in respect of both sanction and review. The panel has found a number of the allegations proven. Where the allegations have not been found proven I have set these from my mind. The panel has found Mr Tariq guilty of unprofessional conduct and conduct that may bring the profession into disrepute.

The panel has found that Mr Tariq 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, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including ... mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- 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

I am satisfied that the conduct of Mr Tariq fell significantly short of the standards expected of the profession.

I have taken into account the guidance published by the Secretary of State. The guidance suggests that a prohibition order may be appropriate if certain behaviours of a

teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and well-being of pupils, and particularly where there is a continuing risk
- actions or behaviours that undermine fundamental British values of democracy ... and mutual respect and tolerance of those with different faiths and beliefs
- a deep-seated attitude that leads to harmful behaviour

I note the panel considered the mitigating factors in this case and found that there was no evidence that Mr Tariq's actions were not deliberate, and there was no evidence to suggest that he was acting under duress. I note the panel found that Mr Tariq's actions were generally motivated by a combination of immaturity, arrogance and rejection of rules and guidelines. I also see that the panel considered and accepts that Mr Tariq is a young teacher early in his career and that it is apparent he is immature in his approach to the profession.

I have taken into account the need to balance the interests of Mr Tariq and the wider public interest. I have taken into account the need to be proportionate.

I support the recommendation of the panel and agree that Mr Tariq should be prohibited. I agree that prohibition is an appropriate and proportionate response.

I have also considered carefully the matter of a review period.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes intolerance and/or hatred on the grounds of religion. The panel acknowledged that Mr Tariq's comment ostensibly demonstrated intolerance and hate on the grounds of religion, and that this was particularly concerning given the presence of pupils. I see the panel's careful deliberations around allegation 4, and their conclusion that Mr Tariq's comment was symptomatic of his childish and immature attitude to teaching, rather than expressing a harbouring view of religious intolerance or hatred.

The panel considers that Mr Tariq has shown absolutely no insight into his actions. The panel has heard evidence of Mr Tariq's arrogance towards teaching, and his apparent belief that he knows better than the rest of his colleagues.

However, the panel has understood Mr Tariq to be a young and inexperienced teacher, whose immaturity and arrogant attitude may fade with the passage of time. The panel

therefore, felt that the findings indicated a situation in which a review period would be appropriate.

I have noted the comments of the panel and their thorough deliberations. For the reasons given above, I agree that a five year review period is appropriate and proportionate.

This means that Mr Hamza Jalal Tariq 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 November 2021, 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 Tariq remains prohibited from teaching indefinitely.

A handwritten signature in black ink, appearing to read 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 30 November 2016

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