



Teaching
Regulation
Agency

Mr Shovan Tamjidi: Professional conduct panel hearing outcome

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

November 2021

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	6
Documents	6
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Shovan Tamjidi
Teacher ref number:	1336454
Teacher date of birth:	21 September 1979
TRA reference:	18789
Date of determination:	15 November 2021
Former employer:	JFS School, Middlesex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 15 November 2021 by way of a virtual hearing, to consider the case of Mr Shovan Tamjidi.

The panel members were Ms Patricia Hunt (former teacher panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Ms Claire Bentley (lay panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Mr Tamjidi was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 2 September 2021.

It was alleged that Mr Tamjidi was guilty of having been convicted of a relevant offence, in that:

On or around 03/12/2019 he was convicted in the North West London Magistrates Court of three counts of the following relevant offence:

1. Making indecent photographs or pseudo-photograph of children, contrary to the Protection of Children Act 1978 s.1(a);

contrary to Protection of Children Act 1978 s.1(1) for which he was sentenced on or around 09/01/2020 at Harrow Crown Court.

Mr Tamjidi made no admission of facts.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Tamjidi was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Tamjidi.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Tamjidi in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 (the "Procedures").

The panel was satisfied that Mr Tamjidi was aware of the hearing. The Notice of Proceedings, dated 2 September 2021, had been sent to his last known home address. The panel noted that there had not been any engagement from Mr Tamjidi with the TRA and he had not responded to the Notice of Proceedings. The panel concluded that Mr Tamjidi's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Tamjidi had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Tamjidi was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Tamjidi was neither present nor represented.

Application to amend the allegation

The presenting officer made an application to amend the allegation as follows:

“On or around 03/12/2019 you were convicted in the North West London Magistrates’ Court of three counts of the following relevant offence:

- 1. Making indecent or pseudo-photograph of children*

contrary to the Protection of Children Act 1978 s.1(1), for which he was sentenced on or around 09/01/2020 at Harrow Crown Court.

The allegation previously read:

“On or around 03/12/2019 you were convicted in the North West London Magistrates’ Court of three counts of the following relevant offence:

- 1. Making indecent or pseudo-photograph of children, contrary to the Protection of Children Act 1978 s.1(a);*

contrary to Protection of Children Act 1978 s.1(1), for which he was sentenced on or around 09/01/2020 at Harrow Crown Court.

The proposed change was to remove duplication of the wording ‘*contrary to the Protection of Children Act 1978*’ contained within the allegation.

The panel noted that Mr Tamjidi had not been informed of this proposed amendment.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Procedures. The panel was satisfied that the amendment did not change the nature, scope or seriousness of the allegation and that there was no unfairness or prejudice caused by the amendment to the allegation. Accordingly, the panel granted this application and considered the amended allegation, which is set out above.

Summary of evidence

Documents

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

- Section 1: Notice of hearing and response – pages 2 to 19
- Section 2: TRA documents – pages 21 to 48

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

Witnesses

No witnesses were called to give oral evidence at the hearing.

Mr Tamjidi did not attend and did not file any witness statements or evidence for the panel to consider in these proceedings.

Decision and reasons

The panel announced its decision and reasons as follows:

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

In summary, Mr Tamjidi was employed by JFS school ('the School') as a teacher of mathematics from 1 September 2015.

The School was contacted by the Metropolitan Police, on 12 September 2019, following an arrest they had made at Mr Tamjidi's address. The police confirmed that Mr Tamjidi had been arrested for possession of indecent images of children, which included Category A, on his personal computer.

A referral was made to the Local Authority Designated Officer ('LADO') on 12 September 2019.

Following discussions with the police and advice from the School's legal team, Mr Tamjidi was suspended, on 13 September 2019.

Mr Tamjidi was convicted, having pleaded guilty, on 3 December 2019 of three counts of making indecent photographs or pseudo photographs of children. On 9 January 2021 Mr Tamjidi was sentenced to 12 months imprisonment suspended for 18 months with requirements to complete 30 days rehabilitation activity requirement and 180 hours unpaid work. He was also subject to a Sexual Harm Prevention Order and required to

sign the sex offenders register, both for a period of 10 years.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against you proved, for these reasons:

1. On or around 03/12/2019 you were convicted in the North West London Magistrates Court of three counts of the following relevant offence:

1. Making indecent photographs or pseudo-photograph of children

contrary to the Protection of Children Act 1978 s.1(1), for which you were sentenced on or around 09/01/2020 at Harrow Crown Court.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers (“the Advice”) which states that where there has been a conviction at any time of a criminal offence, the hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact.

The panel had been provided with a copy of the certificate of conviction from the Harrow Crown Court, which detailed that Mr Tamjidi had been convicted of three counts of making an indecent photograph/pseudo-photograph of a child on 3 December 2019.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

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

The panel was satisfied that the conduct of Mr Tamjidi, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Tamjidi was 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel were of the view that the Mr Tamjidi's actions were relevant to teaching, working with children and working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Tamjidi's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Tamjidi's behaviour ultimately led to a sentence of imprisonment, albeit suspended, and to Mr Tamjidi being placed on the sex offenders register and being subject to a Sexual Harm Prevention Order for 10 years. The panel considered that this was indicative of the seriousness of the offences committed.

This panel noted pages 10 and 11 of the Advice, which state that any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, is likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Tamjidi's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Accordingly, the panel was satisfied that Mr Tamjidi's conviction amounted to a conviction, at any time, of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

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

In the light of the panel's findings against Mr Tamjidi, which involved a conviction for making indecent photographs/pseudo-photograph of a child, there was a strong public interest consideration in respect of the protection of pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Tamjidi was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Tamjidi. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Tamjidi's actions were not deliberate. There was no evidence to suggest that Mr Tamjidi was acting under duress.

The panel was not presented with any mitigation evidence by Mr Tamjidi for them to consider. The panel noted that the documentation before them referred to Mr Tamjidi having a previously good history and there having been no issues with either his conduct or ability to teach.

The panel took into account [REDACTED], which was included in the bundle [REDACTED]. Unfortunately, the panel was not provided with any evidence in mitigation to substantiate the [REDACTED], or update them as to any progress made since by Mr Tamjidi.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Tamjidi of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Tamjidi. The nature and seriousness of the offence was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Tamjidi was responsible for making indecent photographs/pseudo-photograph of a child.

The panel noted that this was not an isolated incident and that the behaviour had occurred over several years. Furthermore, there was nothing presented to the panel to indicate any reduction in the ongoing risk that had been identified by the sentencing judge.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Shovan Tamjidi should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Tamjidi 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Tamjidi fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of making indecent or pseudo-photographs of children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Tamjidi, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Tamjidi, which involved a conviction for making indecent photographs/pseudo-photograph of a child, there was a strong public interest consideration in respect of the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel took into account [REDACTED], which was included in the bundle. [REDACTED]. Unfortunately, the panel was not provided with any evidence in mitigation to substantiate the [REDACTED], or update them as to any progress made since by Mr Tamjidi." In my judgement, the lack of evidence of full insight and remorse means that there is some risk of the repetition of this behaviour, and this puts at risk future pupils' wellbeing. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "public confidence in the profession

could be seriously weakened if conduct such as that found against Mr Tamjidi was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the nature of the relevant conviction in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Tamjidi himself and the panel noted that the documentation before them referred to Mr Tamjidi having a previously good history and there having been no issues with either his conduct or ability to teach.

A prohibition order would prevent Mr Tamjidi from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of full insight or remorse, as they were not presented with any mitigation or evidence of progress made since the conviction and the panel said, “the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.”

I have also placed considerable weight on the finding of the panel that “Mr Tamjidi’s behaviour ultimately led to a sentence of imprisonment, albeit suspended, and to Mr Tamjidi being placed on the sex offenders register and being subject to a Sexual Harm Prevention Order for 10 years. The panel considered that this was indicative of the seriousness of the offences committed”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Tamjidi has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Tamjidi was responsible for making indecent photographs/pseudo-photograph of a child."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the following factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the conviction for making indecent photographs/pseudo photographs of a child and the lack of evidence of insight and remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

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

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

Mr Tamjidi has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 17 November 2021

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