



Teaching
Regulation
Agency

Mr Shakeel Ahmed: Professional conduct panel outcome

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

February 2022

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

Teacher:	Mr Shakeel Ahmed
Teacher ref number:	9581601
Teacher date of birth:	11 April 1971
TRA reference:	16089
Date of determination:	10 February 2022
Former employer:	Saltley Academy, Birmingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 8 February 2022 to 10 February 2022, to consider the case of Mr Shakeel Ahmed (“Mr Ahmed”).

The panel members were Mr Gamel Byles (teacher panellist – in the chair), Mrs Sue Davies (lay panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Ms Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Naomh Gibson of Counsel.

Mr Ahmed was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 13 December 2021.

It was alleged that Mr Ahmed was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Saltby School he failed to maintain appropriate professional standards and/or appropriate professional boundaries in that;

1. In or around 2008/2009, in relation to Pupil M he:
 - a. hugged and/or cuddled him on one or more occasions;
 - b. put him on his lap and/or squeezed him;
 - c. locked himself in a classroom with him;
 - d. asked him to find a wooden ruler which was hidden on his person;

2. During a school trip to Scotland in or around 2008/2009 he:
 - a. slept in the same bed as one or more pupils;
 - b. touched the head of one or more pupils whilst sharing the same bed;
 - c. hugged one or more pupils;
 - d. kissed one or more pupil's cheek;

3. He took a school trip to Scotland with 8 pupils from year 7 and/or 8 as the only supervising member of staff despite the trip only being approved on the basis that two members of staff were supervising;

4. In relation to Pupil A, on one or more occasions in or around 2015 Mr Ahmed inappropriately touched his genital area with his hand through his shorts whilst he was playing football;

5. In or around 2015 in relation to one or more former pupils including Pupils B and/or C he:
 - a. provided Pupil B with his contact number;
 - b. met up with them and/or other former pupils;
 - c. discussed matters of a sexual nature, including but not limited to:
 - i. asking how often they masturbate;
 - ii. the size of their penis;
 - iii. asking them to take their pants off;
 - iv. asking them questions about their sex life;

6. In July 2015, in relation to a former pupil, Pupil B, he:

- a. drove him to a hotel in Manchester;
- b. told him to lie to his parents about where he was going and/or not to tell anyone else;
- c. stripped naked in front of him and/or told him to remove his clothes;
- d. told him to kiss him “like he would his wife” or words to that effect;
- e. kissed him;
- f. pulled Pupil B on top of him;
- g. touched his penis.

7. His conduct as may be found proved at Allegations 1-6 was sexually motivated and/or was conduct of a sexual nature.

In a recent unsigned statement dated 5 January 2022, Mr Ahmed denied the facts of the allegations 1(a), 1(b), 1(c), 1(d), 2(c), 2(d), 4, 6(b), 6(c), 6(d), 6(e), 6(f), 6(g) and 7. It was unclear from the information provided by the teacher, whether he admitted to the facts of 2(a), 5(b), 5(c). Therefore, in the absence of/non-response from the teacher, the allegations are not admitted.

In the same statement dated 5 January 2022, Mr Ahmed admitted to the facts of allegations 2(b), 3 and 6(a). Mr Ahmed stated that allegation 5(a) was correct in part, in that Pupil B asked for his phone number, which he provided to him.

Mr Ahmed stated in his response to the notice of proceedings that “*I fully understand that the facts I have admitted to doing amount to professional conduct that may bring the profession into disrepute*”. As Mr Ahmed had not admitted to all of the allegations, it was unclear as to whether Mr Ahmed did accept that his admitted conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Therefore the panel proceeded on the basis that Mr Ahmed did not accept that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in absence

The presenting officer made an application to proceed in the absence of Mr Ahmed.

The panel was satisfied that the TRA complied with the service requirements of paragraph 19 a) to c) of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, (the “Procedures”).

The panel 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 took, as its starting point, the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance, but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1, which are considered below:

The panel noted that the teacher was aware of the proceedings given the recent email communication between Mr Ahmed and the TRA prior to the hearing. On 4 February 2022, Mr Ahmed sent an email to TRA stating that he was unlikely to be in attendance. The teacher, in his response to the notice of proceedings, stated that he wouldn't be attending due [redacted] reasons. Therefore, the reason put forward by the teacher for being absent at the hearing, was [redacted]. The presenting officer stated that no [redacted] had been put forward to support the teacher's position. The presenting officer provided the legal adviser with email correspondence prior to the hearing where it was noted that the TRA's legal representatives had stated to Mr Ahmed, on 15 November 2021, that he "*may also wish to attach any relevant [redacted] evidence*".

The panel was informed by the presenting officer that the hearing was listed on at least one previous occasion and a notice of proceedings form was sent to the teacher in April 2021. The panel also considered the email correspondence between the Mr Ahmed and the TRA in May 2018, where Mr Ahmed had stated [redacted], he would "*not be able to attend any meetings so please feel free to conduct your hearing in my absence*". Further, in January 2019, in response to the TRA's legal representative, Mr Ahmed stated "*Please don't contact me again*". Again in email correspondence to the TRA, dated 9 September 2020, Mr Ahmed stated "*I have kindly asked you not to contact me.*" In a further exchange with the TRA on this same date, Mr Ahmed stated that "*there is no need for a hearing you have my permission to withdrawl my license without wasting any more time or resources.*" The panel therefore considered that the teacher voluntarily waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel did not consider that an adjournment might result in the teacher attending voluntarily, due to the previous communications between the teacher and the TRA and/or TRA's legal representatives as referred to above. The panel also noted that the teacher did not make any application to adjourn this hearing.

The teacher was not currently represented and no wish was expressed by the teacher to adjourn the hearing to obtain legal representation.

The panel considered the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of written representations made by the teacher. The panel had the teacher's evidence addressing mitigation and would be able to take this into account at the relevant stage. The panel could also test that evidence of the witnesses in attendance, considering such points which were favourable to the teacher, and reasonably available on the evidence. The panel would also be 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 considered the risk of reaching an improper conclusion about the absence of the teacher. The panel was satisfied, based on the evidence provided (as outlined in (i) above), that Mr Ahmed had voluntarily waived his right to be present at the hearing.

The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The pupils, to whom the allegations relate, would have an interest in having the allegations determined within a reasonable time. The panel noted that considerable time had already elapsed since the alleged events in 2008 and 2015.

The panel also noted that Pupil A and Pupil B were to be called as witnesses at the hearing, who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again. The panel noted that this hearing had been previously listed on at least one other occasion. Delaying the case until a later date may impact upon the memories of those witnesses.

Taking the above points into consideration, the panel decided to proceed with the hearing in the absence of the teacher. The panel considered that 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 were serious allegations and the public interest in this hearing proceeding within a reasonable time would be in favour of this hearing continuing today.

Application to amend an allegation

An application was made by the presenting officer to amend the notice of proceedings by amending the name of the school in the stem of the allegation from Saltby School to Saltley Academy. The panel had the power to, in the interests of justice, amend an

allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher. The teacher was absent from the hearing.

The panel considered that the amendment proposed being a correction of a typographical error did not change the nature, scope or seriousness of the allegation. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice was caused to the teacher.

The panel therefore agreed to the amendment for the stem of the allegation, which would now read as follows:

It was alleged that Mr Ahmed was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Saltley Academy he failed to maintain appropriate professional standards and/or appropriate professional boundaries.

Application to exclude the public from the hearing

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher misconduct: Disciplinary procedures for the teaching profession (the "Procedures") to exclude the public from all or part of the hearing. This followed a written request by the teacher that the hearing should be in private [redacted]. Although, the panel noted that the teacher had not followed the correct procedure to make such application, the panel felt that it was in the interests of justice to consider his request as an application.

The panel determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures for the public to be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel did not consider that the teacher's request for the hearing to be heard in private, was a reasonable one given that there were steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters [redacted]. The presenting officer stated that she would only refer to the [redacted] as 'mitigating circumstances' at the appropriate point in the hearing and would not be referring to [redacted] during the course of the hearing.

In addition, the teacher did not [redacted] to support his position. The presenting officer provided the legal adviser with email correspondence prior to the hearing where it was noted that the TRA’s legal representatives had informed Mr Ahmed, on 31 August 2021 about the process for requesting private hearings. On 15 November 2021, the TRA’s legal representatives informed Mr Ahmed that he “*may also wish to attach any relevant [redacted] evidence*”. The panel noted that Mr Ahmed chose not to submit any [redacted] evidence after this correspondence.

Therefore, the panel determined that the public should not be excluded from the hearing.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 2 to 8

Section 2: Teaching Regulation Agency documents – pages 10 to 380

Section 3: Teacher documents – pages 382 to 402

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

Witnesses

The panel heard oral evidence from the following witnesses who were called on behalf of the TRA:

- Pupil A – [redacted]
- Pupil B – [redacted]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Ahmed started employment at Saltley Academy (“the School”) as a PE teacher in September 1998. On 6 January 2009, a pupil alleged that Mr Ahmed had acted inappropriately towards him. Pupil M made the following allegations:

- Mr Ahmed had hugged him which made him feel uncomfortable;
- Mr Ahmed would put him on his lap, and squeeze him;

- Mr Ahmed would lock the classroom door before hugging him;
- Mr Ahmed had asked him to find a wooden ruler on his person;
- Mr Ahmed had slept in the same bed as Pupil M and his friend whilst on a school trip and had hugged the pupils whilst in bed and kissed the pupils' cheeks. Mr Ahmed had pulled both pupils' heads to his chest whilst in the same bed.

On 15 January 2009, Mr Ahmed was arrested at his home on suspicion of sexual assault against Pupil M. The CPS decided that a criminal prosecution was unlikely to succeed due to the lack of sufficient evidence and inconsistencies between various accounts, and therefore the specific offence of sexual assault could not be charged.

A disciplinary panel was appointed to investigate the issues raised by Pupil M on 11 May 2009. Following this, Mr Ahmed received a written warning solely relating to the health and safety and procedural issues. Mr Ahmed's suspension was lifted and he returned to work on 13 May 2009.

In June 2013, a pupil disclosed to a member of staff that Mr Ahmed had put his hand on his thigh when sitting in the PE changing room after getting changed into his PE kit. The police and the Local Authority Designated Officer ("LADO") were informed. Mr Ahmed was suspended from the School as a result of the police investigation. On 10 September 2013, the police completed their enquiry and concluded that there was to be no further action on the basis of there being no corroborative evidence. The matter was passed back to the School to investigate. The School conducted a risk assessment and Mr Ahmed returned to working at the School.

In or around 2015, it was alleged by Pupil A that Mr Ahmed had touched his genital area with his hand whilst he was playing football. Allegations were also put forward by Pupil B in 2015, in that Mr Ahmed had asked personal questions to him and his friend, which were not limited to, their sex life, size of their genitals and about masturbation.

In September 2015 Mr Ahmed was referred to LADO for an alleged incident which took place on 19 July 2015. Pupil B was no longer at the School when this allegation was made. It was alleged by Pupil B that he went to Manchester [redacted] with Mr Ahmed and Mr Ahmed had sexually assaulted him whilst in a hotel room. A criminal investigation was conducted by the police and Mr Ahmed was suspended on 25 August 2015. Mr Ahmed was charged in March 2016 with two counts of sexual activity with Pupil A and one count of sexual assault against former Pupil B.

Mr Ahmed's case went to trial on 14 November 2016 and he was found not guilty of the charges against him (two counts of sexual activity with a current pupil and one count of sexual assault against a former pupil). On 12 December 2016, the Head of Saltley Academy was commissioned by [redacted] to conduct a disciplinary investigation. Mr Ahmed resigned from his post as a PE teacher in May 2017. The resignation was received a week before a governor disciplinary panel was due to convene.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations proved, for these reasons:

2. During a school trip to Scotland in or around 2008/2009 you:

a. slept in the same bed as one or more pupils;

The panel noted from the School's investigation report that the accommodation arrangements for the school trip to Scotland were in a camper van.

Mr Ahmed stated in an unsigned statement dated 5 January 2022, *"on a trip to Scotland, I did share a pull-down platform with at least three other students, each student including myself has our own sleeping bags which we used to sleep in."*

The panel noted that whilst Mr Ahmed, may not have slept in the same bed, he did, by his own admission, share a pull-down platform with at least three other pupils.

Therefore, the panel found allegation 2(a) proved.

b. touched the head of one or more pupils whilst sharing the same bed;

Mr Ahmed in his statement dated 5 January 2022 said, *"I did touch the head of one of the pupils whilst sleeping on the pull-down platform whilst in our own sleeping bags."*

Whilst Mr Ahmed acknowledged that he touched the head of one of pupils he said this was because he was comforting the child. The panel considered this but found that it was inappropriate, particularly as he was on a sleeping platform at the time.

Therefore, the panel found allegation 2(b) proved.

3. You took a school trip to Scotland with 8 pupils from year 7 and/or 8 as the only supervising member of staff despite the trip only being approved on the basis that two members of staff were supervising;

The panel considered Mr Ahmed's admission to this allegation. In response to this allegation, Mr Ahmed stated, *"that is correct I did take a group of pupils to Scotland as the only supervising member of staff. This was a mistake and when the second member of staff pulled out on the morning of the trip, I should have cancelled the trip. I foolishly decided to take the trip myself"*

Therefore, the panel found allegation 3 proved.

4. In relation to Pupil A, on one or more occasions in or around 2015 you inappropriately touched his genital area with your hand through his shorts whilst he was playing football;

During the hearing, the panel sought to clarify the wording of this allegation with the presenting officer as to whether by stating “through his shorts”, the TRA intended that this allegation referred to Mr Ahmed placing his hands inside Pupil A’s shorts. The presenting officer stated that the TRA’s position was that there has always been a barrier, i.e. the shorts, between the physical contact and that the TRA was not alleging that Mr Ahmed had actually placed his hands inside the shorts of Pupil A.

The panel noted that Mr Ahmed appeared to have misunderstood the allegation from comments within his statement dated 5 January 2022.

The panel heard evidence from Pupil A during the hearing. Pupil A referred to two incidents. The first incident took place in September 2014 when Pupil A [redacted] at school. Pupil A stated that he was playing a game of football with his fellow pupils and Mr Ahmed. Pupil A stated that he was playing in a defensive position, whilst Mr Ahmed was playing in an attacking position. Pupil A stated that he was marking Mr Ahmed, which meant that he had to keep an eye on the attacker and stay next to him.

Pupil A stated that Mr Ahmed was standing in front of him and brushed the length of his fingers against his penis for about three to four seconds. Pupil A stated that at the time, he thought the contact was a mistake.

The second incident was alleged to have taken place in around July 2015 when Pupil A was [redacted]. Pupil A stated that he played another game of football with his fellow pupils and Mr Ahmed. Again, Pupil A stated that he was playing in a defensive position, whilst Mr Ahmed was playing in an attacking position. Pupil A stated that Mr Ahmed wanted him (Pupil A) to mark him. Pupil A described this incident as exactly the same scenario as the first incident (as described above), however, this time, Pupil A felt that Mr Ahmed’s conduct was intentional. Pupil A stated that Mr Ahmed touched his penis for a lot longer than the first time, for around ten seconds, and the length of his fingers were moving left to right, (side to side) on his penis. Pupil A stated that this made him feel uncomfortable, which made him believe that the first incident in September 2014 may not have been a mistake after all. Pupil A described himself as being in a state of shock when this incident took place and just froze.

Mr Ahmed stated in his witness statement that *“at the time of the alleged incidents, the first incident was stated to have happened in the winter months and the second time in the summer. In the wintertime we would have had football as an activity and during a game there is physical contact but absolutely nothing unto happened and there was nothing reported at the time. This is even more bizarre as there were over twenty students all around the small playing area which was third of the full pitch. This meant there were students all around [Pupil A’s] playing position so anything that would have taken place would have been in full view of other students. Its therefore quite ironic that none of the other students witnessed anything and the playing area had six cameras recording which also found nothing unusual. The second time this was alleged to have happened was in the summer. This did not and could not happen as we would not have been playing football during the summer months, especially considering the fact that at that time we were one of the strongest cricket schools in the county. This meant that we would have spent every minute we could get playing cricket and football was never played in the summer months as it was only time tabled on my personal timetable and the departments timetable as a winter activity.”*

With regard to not playing football in the summer, Pupil A explained that sometimes the pupils would convince the teacher to play football instead of a summer activity. The panel found this to be a reasonable explanation for the change of activity.

The panel considered all of the evidence before it. The panel found Pupil A to be a credible and truthful witness and believed his account of events.

The panel found allegation 4 proved.

5. In or around 2015 in relation to one or more former pupils including Pupils B and/or C you:

a. provided Pupil B with your contact number;

Mr Ahmed stated in his statement dated 5 January 2022 that Pupil B *“wanted to keep in touch and asked for my phone number which I provided to him.”*

Pupil B stated in oral evidence that Mr Ahmed did provide his phone number to him.

Therefore, the panel found allegation 5(a) proved.

b. met up with them and/or other former pupils;

Pupil B stated in oral evidence that Mr Ahmed would drive him and a friend to a park, outside of the local area, on several occasions. The panel found Pupil B to be a credible and truthful witness. Mr Ahmed did not provide a direct response to this allegation.

The panel found allegation 5(b) proved.

c. discussed matters of a sexual nature, including but not limited to:

i. asking how often they masturbate;

Pupil B stated in oral evidence that his friend brought up the topic of masturbation whilst in the presence of Mr Ahmed. Mr Ahmed then asked Pupil B and his friend how often they masturbated. The Panel found Pupil B to be a credible and truthful witness.

The panel found allegation 5c(i) proved.

ii. the size of their penis;

When Pupil B was asked by the panel whether Mr Ahmed had asked him about the size of his penis, he replied “yes”. The panel found Pupil B to be a credible and truthful witness.

The panel also considered Friend A’s police witness statement where he stated that Mr Ahmed would say things like “how big is your penis?”

The panel found allegation 5c(ii) proved.

6. In July 2015, in relation to a former pupil, Pupil B, you:

a. drove him to a hotel in Manchester;

In considering allegation 6, the panel noted that Pupil B had [redacted] before the trip to Manchester and considered therefore whether this allegation fell within the TRA's jurisdiction as Pupil B was an adult at the time of the alleged incident.

The panel noted however that Pupil B was a college student at the time, and that the communications found proven in allegation 5 had commenced when Pupil B [redacted] and considered Mr Ahmed's conduct to be a continuation of an inappropriate relationship. The panel therefore considered that these allegations were under the jurisdiction of the TRA.

In response to this allegation, Mr Ahmed stated in an unsigned statement dated 5 January 2022, *"that is correct It was [Pupil B's] [redacted] and he wanted to spend the day with me."*

Pupil B stated in oral evidence that in July 2015, Mr Ahmed had driven him to a hotel in Manchester.

Therefore, the panel found allegation 6(a) proved.

c. stripped naked in front of him and/or told him to remove his clothes;

In response to this allegation, Mr Ahmed stated that he *"never stripped naked in front of him or asked him to take off any of his clothing and he did not feel uncomfortable with anything I said or with any of my actions. The room door was never locked, he could have walked out at any stage if he felt uncomfortable. I even left my phone for him when I went to have a shower just in case his mother called or if he wanted to call her."*

Pupil B stated that when he was on route to Manchester with Mr Ahmed, Mr Ahmed stated that he needed to stop off at a hotel to freshen up. Pupil B stated that when they arrived at the hotel room, Mr Ahmed stripped naked as soon as they got into the room and told Pupil B to remove his clothes. Pupil B stated that when he refused to remove his clothes, Mr Ahmed became frustrated and persistent. Pupil B said that he was shocked and felt that he was backed into a corner.

The panel could not think of any reason as to why Pupil B would be untruthful about this allegation. The panel found Pupil B to be a credible and truthful witness and believed his account.

The panel found allegation 6(c) proved.

d. told him to kiss you "like he would his wife" or words to that effect;

In response to this allegation, Mr Ahmed stated *"that's completely untrue as during a conversation [Pupil B] told me that one of his friends always teased him about girls and that he thought he would feel very nervous around meeting someone. I told him not to worry and just be himself and he will absolutely fine. As he had not met anyone, therefore the comment "like he would his wife" or words to that effect; would not have even come into effect."*

Pupil B stated that Mr Ahmed told him to kiss him like he would his wife.

The panel could not think of any reason as to why Pupil B would be untruthful about this allegation. The panel found Pupil B to be a credible and truthful witness and believed his account.

The panel found allegation 6(d) proved.

e. kissed him;

In response to this allegation, Mr Ahmed stated *"I never kissed him at any stage"*.

Pupil B said that Mr Ahmed stuck his tongue in his mouth and he froze and was unable to move.

The panel could not think of any reason as to why Pupil B would be untruthful about this allegation. The panel found Pupil B to be a credible and truthful witness and believed his account.

The panel found allegation 6(e) proved.

f. pulled Pupil B on top of you;

In response to this allegation, Mr Ahmed stated *"I have always maintained admitted what I have done and again I never pulled Pupil B, [redacted] on top of me"*.

Pupil B stated that Mr Ahmed pulled him on top of him whilst at the hotel.

The panel could not think of any reason as to why Pupil B would be untruthful about this allegation. The panel found Pupil B to be a credible and truthful witness and believed his account.

The panel found allegation 6(f) proved.

g. touched his penis.

In response to this allegation, Mr Ahmed stated he never *"touched his penis at any stage"*.

Pupil B stated that Mr Ahmed touched his penis whilst at the hotel.

The panel could not think of any reason as to why Pupil B would be untruthful about this allegation. The panel found Pupil B to be a credible and truthful witness and believed his account.

The panel found allegation 6(g) proved.

7. Your conduct as may be found proved at Allegations 1-6 was sexually motivated and/or was conduct of a sexual nature.

The panel considered this allegation in respect of the allegations that it had found proved.

The presenting officer stated that that TRA was not going to invite the panel to consider whether the allegations at 2 and 3 were sexually motivated.

The panel had regard for the legal adviser's advice.

The panel noted that in the case of *Basson v GMC* (2018), it stated "the state of a person's mind is not something that can be proved by direct observation. It can only be proved by inference or deduction from the surrounding evidence".

It was also stated in this case that a sexual motive means the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel considered the case of *GMC v Haris* (2020). The panel asked itself whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual.

The panel considered that Mr Ahmed's conduct in allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) was sexually motivated and/or of a sexual nature for the following reasons:

Allegation 4 – The panel noted that the second incident in July 2015 was more likely to have been sexually motivated than the first incident in September 2014. The panel noted that by the very nature of Mr Ahmed's conduct in touching Pupil A's penis for around ten seconds was clearly in pursuit of his own sexual gratification.

Allegations 5(c)(i), 5(c)(ii) – The panel found that the discussions regarding the size of Pupil B's penis and how often he masturbated were in pursuit of sexual gratification. The panel noted that even if the conversation had been initiated by Friend A, any reasonable adult would have stopped the conversation and not joined in, but Mr Ahmed continued to ask questions.

Allegations 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) – The panel found that Mr Ahmed's conduct in respect of these allegations was sexually motivated and conduct of a sexual nature due to the very nature of Mr Ahmed's conduct. The panel considered that there was no other reason for Mr Ahmed to drive to a hotel in Manchester and do the things that he did, other than, in pursuit of his own sexual gratification. The panel was of the view that his actions would be considered by a reasonable person to be of a sexual nature and sexually motivated.

Therefore, the panel found that Mr Ahmed's conduct in allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) was sexually motivated and/or of a sexual nature. For the avoidance of doubt, the panel did not consider Mr Ahmed's conduct found proven at allegations 2(a), 2(b), 3, 5(a) or 5(b) was sexually motivated or of a sexual nature.

The panel found the following particulars of the allegations against you not proved, for these reasons:

1. In or around 2008/2009, in relation to Pupil M you:

- a. hugged and/or cuddled him on one or more occasions;**
- b. put him on your lap and/or squeezed him;**
- c. locked yourself in a classroom with him;**
- d. asked him to find a wooden ruler which was hidden on your person;**

The panel noted that no witness statement was provided by Pupil M and it did not appear that any attempts were made by the TRA to obtain live evidence from Pupil M for this hearing. There did not appear to be any cogent reason why Pupil M was not giving evidence.

The presenting officer referred the panel to a letter from West Midlands Police, a memorandum about the police investigation and an investigatory report by the Head of Saltley Academy. The presenting officer stated that the TRA couldn't deny the fact that hearsay evidence was solely underpinning these allegations.

The panel noted that these allegations were based solely on hearsay evidence and they did not consider that it would be fair to attach any weight to it, due to the prejudicial effect this would have on the teacher. The hearsay evidence was also around 13 years old.

Mr Ahmed did not admit to this allegation in his statement dated 5 January 2022.

Therefore, panel found allegations 1(a), 1(b), 1(c) and 1(d) not proved.

2. During a school trip to Scotland in or around 2008/2009 you:

- c. hugged one or more pupils;**

The panel noted that there was a clear lack of evidence to support this allegation.

Mr Ahmed denied this allegation in his statement dated 5 January 2022.

Therefore, on the balance of probabilities, panel found allegation 2(c) not proved.

- d. kissed one or more pupil's cheek;**

The panel noted that there was a clear lack of evidence to support this allegation.

Mr Ahmed denied this allegation in his statement dated 5 January 2022.

Therefore, on the balance of probabilities, panel found allegation 2(d) not proved.

5. In or around 2015 in relation to one or more former pupils including Pupils B and/or C you:

- iii. asking them to take their pants off;**

The presenting officer clarified that the reference to 'pants' in this allegation meant 'trousers'.

Mr Ahmed stated in an unsigned statement dated 5 January 2022 that *"there was nothing ever mentioned about taking their pants off apart from one occasion when Pupil C again jokingly asked [Pupil B] to take his pants down and ran after him, fooling around in the open."*

On the balance of probabilities, the panel found allegation 5(c)(iii) not proved.

iv. asking them questions about their sex life;

Mr Ahmed stated in an unsigned statement dated 5 January 2022 that *"the questions about their sex lives went as far as if there was someone they liked or they were going out with."*

Friend A stated in his police witness statement that Mr Ahmed *"would ask both me and [redacted] about our sex lives."*

Pupil B stated that there was a conversation between him, Friend A and Mr Ahmed about sex before marriage, but Friend A would usually initiate those conversations.

On the balance of probabilities, the panel found allegation 5(c)(iv) not proved.

6. In July 2015, in relation to a former pupil, Pupil B, you:

b. told him to lie to his parents about where he was going and/or not to tell anyone else;

Pupil B stated that Mr Ahmed did tell him to lie to his parents by telling them that his friend would be going to Manchester too, when in fact, Pupil B's friend would not be going. Pupil B stated that he did not lie to his parents about where he was going. Pupil B understood that he would be going to Manchester to visit Manchester United football club and his parents were aware of that.

Whilst the panel recognised that Mr Ahmed had told Pupil B to lie to his parents, this was not in relation to where he was going. Therefore, on that basis, the panel found allegation 5(b) not proved.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

For findings in relation to conduct that post-dated 1 July 2011, (allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g)) the panel was satisfied that the conduct of Mr Ahmed in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Ahmed 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

For proved allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g), the panel was satisfied that the conduct of Mr Ahmed, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Ahmed was in breach of the following provisions:

- All school and college staff have a responsibility to provide a safe environment in which children can learn.
- The Teachers' Standards 2012 state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- Everyone who comes into contact with children and their families has a role to play in safeguarding children.

For proved allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g), the panel was satisfied that the conduct of Mr Ahmed, involved breaches of Working Together to Safeguard Children. The panel considered that Mr Ahmed was in breach of the following provisions:

- Safeguarding is everyone's responsibility. Everyone who works with children - including teachers - has a responsibility for keeping them safe.
- A child-centred approach is needed for services to be effective. They should be based on a clear understanding of the needs and views of children.

- Children want to be respected, their views to be heard, to have stable relationships with professionals built on trust and to have consistent support provided for their individual needs.

The panel did not find that Mr Ahmed's conduct in proved allegations 5(a) and 5(b) amounted to misconduct of a serious nature and therefore did not find that allegations 5(a) and 5(b) amounted to unacceptable professional conduct.

With regard to Mr Ahmed's conduct, as found proved in allegations 2(a), 2(b) and 3, which was prior to the coming into force of the Teachers Standards, the panel had regard to its knowledge and experience of teaching standards at that time and considered that Mr Ahmed had a complete disregard for the teacher pupil boundary of which he should have been aware having attended regular training.

The panel was satisfied that the conduct of Mr Ahmed at proved allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Ahmed's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences of sexual communication with a child and sexual activity were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) took place outside the education setting. This conduct affected the way Mr Ahmed fulfilled his teaching role and led to pupils being exposed to, Mr Ahmed's misconduct in a harmful way, due to the serious nature of the misconduct, which involved conduct that was sexually motivated and/or of a sexual nature.

Accordingly, the panel was satisfied that Mr Ahmed was guilty of unacceptable professional conduct in respect of proved allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g).

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

The panel also considered whether Mr Ahmed's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences sexual communication with a child and sexual activity were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The findings of misconduct in respect of allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that Mr Ahmed's conduct in respect of proved allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Ahmed's actions in proved allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) constituted conduct that may bring the profession into disrepute. The panel did not consider that Mr Ahmed's conduct in proved allegations 5(a) and 5(b) may bring the profession into disrepute as the misconduct was not serious.

Having found the facts of particulars 2(a), 2(b), 3, 4, 5(a), 5(b), 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) proved, the panel further found that Mr Ahmed's conduct at proved allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) amounted 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 for allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g), 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Ahmed and whether a prohibition order is necessary and proportionate. 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 a 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 safeguarding and wellbeing of pupils, 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 Ahmed, which involved findings of sexual motivation and conduct of a sexual nature, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of his inappropriate conduct with pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ahmed 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 Ahmed was outside that which could reasonably be tolerated.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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 safeguarding and wellbeing of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher.

In the light of the panel's findings, the panel considered the following mitigating factors, which are set out in the advice document.

There was evidence that Mr Ahmed's actions were deliberate from the credible and truthful accounts of Pupil A and Pupil B.

There was no evidence to suggest that Mr Ahmed was acting under extreme duress, and, in fact, the panel found Mr Ahmed's actions to be calculated and motivated.

The panel saw evidence that showed Mr Ahmed was previously subject to a disciplinary investigation and written warning.

The panel did see evidence from Mr Ahmed's previous pupils and former colleagues. There was a total of eight statements from Mr Ahmed's former colleagues and pupils. These statements included the following comments:

A former pupil described Mr Ahmed as *"the sole person who guided me through school and was instrumental in developing my interest in cricket and sports in general"*.

A second former pupil said that Mr Ahmed *"always had the time for me and every student I can possibly remember – often to the detriment of his own personal time may I add."*

A former colleague described Mr Ahmed as *"very highly regarded by both staff and pupils and is one of a handful of outstanding teachers at the school."*

Another former colleague described Mr Ahmed as *"very highly regarded by both staff and pupils alike...I have known him to be a hard working, friendly and diligent individual who takes the utmost pride in his work."*

The panel noted that the statements were provided over six years ago. The statements were not intended for use in these proceedings. Accordingly, therefore, the panel did not attach any weight to the statements.

The panel noted that Mr Ahmed did sincerely apologise for the conduct that he admitted to and noted the events had [redacted].

The panel further noted that Mr Ahmed had stated in a handwritten statement dated 22 July 2017, that he was *"never going back into the teaching profession or working with children again."*

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 Ahmed 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 Ahmed. The serious nature of his misconduct, which included findings of sexual motivation and the impact that the behaviour had on the pupils, were significant factors in forming that opinion. Pupil B stated *“ever since that day I have led a miserable life, he has stolen my happiness and I feel constantly depressed”*. Pupil A stated *“since the trial, I have changed a lot as a person. I am always moody or just angry at everything and my ability to trust people has diminished.”* 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 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Ahmed’s conduct was sexually motivated and of a sexual nature in respect of proved allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) which clearly link to the conduct as set out in the Advice.

As noted above, the panel noted that Mr Ahmed did sincerely apologise for the conduct that he admitted to and noted the events [redacted]. However, the panel did not consider that Mr Ahmed showed the expected level of insight as he stated that *“I am also never going back into the teaching profession or working with children again so really do not care about what ever decision you make.”* The panel did not consider that Mr Ahmed had any remorse for his conduct. The panel noted the significant and distressing impact his conduct had on the lives of Pupil A and Pupil B.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute for allegations 2(a), 2(b), 3, 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g). In this case, the panel has found some of the allegations not proven, and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Ahmed 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Ahmed, involved breaches of Keeping Children Safe In Education ("KCSIE") and involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include inappropriate conduct with pupils, which involved findings of sexual motivation and conduct of a sexual nature.

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 Ahmed, 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 Ahmed, which involved findings of sexual motivation and conduct of a sexual nature, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of his inappropriate conduct with 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 noted that Mr Ahmed did sincerely apologise for the conduct that he admitted to and noted the events [redacted]." However, the panel did not consider that Mr Ahmed showed the expected level of insight as he stated that "*I am also never going back into the teaching profession or working with children again so really do not care about what ever decision you make.*" The panel did not consider that Mr Ahmed had any remorse for his conduct. The panel noted the significant and distressing impact his conduct had on the "lives of Pupil A and Pupil B." In my judgement, the lack 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ahmed was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual motivation and conduct of a sexual nature 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 Ahmed himself and the panel comment “The panel did see evidence from Mr Ahmed’s previous pupils and former colleagues. There was a total of eight statements from Mr Ahmed’s former colleagues and pupils.” The panel also commented “the statements were provided over six years ago. The statements were not intended for use in these proceedings. Accordingly, therefore, the panel did not attach any weight to the statements.”

A prohibition order would prevent Mr Ahmed 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 “The panel decided that the public interest considerations outweighed the interests of Mr Ahmed. The serious nature of his misconduct, which included findings of sexual motivation and the impact that the behaviour had on the pupils, were significant factors in forming” that opinion. Pupil B stated *“ever since that day I have led a miserable life, he has stolen my happiness and I feel constantly depressed”*. Pupil A stated *“since the trial, I have changed a lot as a person. I am always moody or just angry at everything and my ability to trust people has diminished.”* Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

I have also placed considerable weight on the following comment “The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher’s behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ahmed 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, that is not backed up by remorse or insight, 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Ahmed's conduct was sexually motivated and of a sexual nature in respect of proved allegations 4, 5(c)(i), 5(c)(ii), 6(a), 6(c), 6(d), 6(e), 6(f) and 6(g) which clearly link to the conduct as set out in the Advice."

I have considered whether no 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, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the allegations found proven and the lack of either insight or 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 Shakeel Ahmed is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ahmed 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 Shakeel Ahmed has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Sarah Buxcey

Date: 18 February 2022

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