



Teaching
Regulation
Agency

Ms Amber Shahid: Professional conduct panel outcome

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

October 2019

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	7
Documents	7
Witnesses	8
E. Decision and reasons	8
Panel's recommendation to the Secretary of State	17
Decision and reasons on behalf of the Secretary of State	20

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

Teacher: Ms Amber Shahid

Teacher ref number: 1558573

Teacher date of birth: 6 November 1990

TRA reference: 17569

Date of determination: 3 October 2019

Former employer: Queensbridge School of Visual and Performing Arts,
Birmingham

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 1 October to 3 October 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Ms Amber Shahid.

The panel members were Ms Alison Walsh (teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Mr Mark Tweedle (teacher panellist).

The legal adviser to the panel was Mrs Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mrs Helen Smith of DAC Beachcroft solicitors.

Ms Shahid was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 August 2019.

It was alleged that Ms Amber Shahid was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at the Queensbridge School of Visual and Performing Arts (the "School"):

1. she arranged to meet Pupil A outside his place of residence;
 - a. on 28 December 2017, and/or;
 - b. on or about 29 December 2017;
2. in or around December 2017, she told pupil A that she would call him on the telephone landline at his place of residence during school holidays was she to be feeling sad;
3. in or around December 2017, she shared information with Pupil A regarding her rejection of a marriage proposal;
4. in or around December 2017, she hugged Pupil A on one or more occasions;
5. on 1 February 2018, having been informed that allegations of misconduct involving Pupil A were to be investigated and/or having been warned not to spend any time alone with Pupil A:
 - a. she arranged to meet Pupil A after school on 1 February 2018; and/or
 - b. she voluntarily spent time alone with Pupil A after school in her care; and/or
 - c. she allowed Pupil A to read a document or documents provided to her by the School in connection with the investigation into allegations of misconduct against her; and/or
 - d. she instructed Pupil A that he should deny and/or lie about his relationship with her;
6. following the incident that took place on 1 February 2018, in the course of the school's investigation into her conduct, she was untruthful in her explanation as to how Pupil A came to be in her car on 1 February 2018;
7. by her conduct as set out in all or any of allegations 1-5 above, she failed to observe a proper boundary appropriate to a teacher's professional position;
8. by her conduct as set out in allegation 5 d. above, she:
 - a. was dishonest; and/or
 - b. failed to act with integrity; and
9. by her conduct as set out in allegation 6 above, she:
 - a. was dishonest; and/or

b. failed to act with integrity.

Ms Shahid did not respond to the Notice of Proceedings. The panel noted that Ms Shahid had categorically denied the allegations as set out in the letter from DAC Beachcroft dated 2 November 2018. Allegations 6 to 9 above were not raised in that letter. The allegations contained in that letter follow allegations 1 to 5 above but do not use exactly the same wording. In the absence of any further response, the allegations were taken as not admitted.

As above, Ms Shahid did not respond to the Notice of Proceedings. In the absence of a response, the allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute were taken as not admitted.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Ms Shahid.

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that the TRA has 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 understands 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 making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

The panel was satisfied that Ms Shahid has been aware of the ongoing proceedings against her, as evidenced by her email to the presenting officer dated 2 December 2018 acknowledging the TRA investigation and denying the allegations against her. The panel was satisfied that the Notice of Proceedings was sent to Ms Shahid's last known address, and that the TRA has taken significant steps to ensure that Ms Shahid has

received correspondence by sending letters by recorded delivery and responding to the email address Ms Shahid provided on 2 December 2018. The panel noted that the majority of written correspondence, although not the Notice of Proceedings dated 5 August 2019, had been signed for by "Shahid", including the letter to which Ms Shahid provided her email response on 2 December 2018. The panel recognised the presenting officer had made extensive attempts to contact Ms Shahid, including attempts just prior to the date of the hearing to contact Ms Shahid by telephone and email. At the behest of the panel, the legal adviser attempted to contact Ms Shahid on the telephone number mentioned in the bundle but there was no response. Despite repeated attempts to contact Ms Shahid, she has not made efforts to engage with the process since 2 December 2018. In light of this, the panel therefore considered that the teacher has effectively waived her right to be present at the hearing.

The panel noted that Ms Shahid has referred to a medical condition of [redacted] in her email of 2 December 2018. No medical evidence was provided at that time or since.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in the teacher attending the hearing.

The panel has had regard to the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel has the benefit of some representations by the teacher in response to the school's disciplinary procedure and subsequent appeal, and is able to ascertain the lines of defence for some of the allegations. The panel noted that witnesses are relied upon and are called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also noted that there are two witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient and possibly distressing for them to return again.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime

importance. The panel resolved, on balance, that the case can proceed in absence because these are serious allegations and there is public interest in this hearing proceeding within a reasonable time. In making this decision the panel noted:

- the teacher's repeated lack of engagement and deemed waiver of her right to appear;
- such measures referred to above to address unfairness insofar as is possible;
- the inconvenience an adjournment would cause to the witnesses and the effect any time delay may have on the quality of their evidence; and
- the seriousness of the allegations and the public interest.

The panel also considered an application from the presenting officer to admit documents into the proof of service bundle. Specifically: a track and trace receipt in respect of DAC Beachcroft's letter dated 16 September 2019; and an attendance note confirming the presenting officer's attempts to call the two telephone numbers of Ms Shahid which are referred to in the bundle. These documents were relevant to proceeding in absence and due to their focus on recent events could not be produced earlier. The panel felt these documents were informative only, regarding the attempts to contact Ms Shahid.

D. Summary of evidence

Documents

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

Section 1: Chronology, identification key and list of roles– pages 1 to 5

Section 2: Notice of Proceedings and Response – pages 6 to 19

Section 3: Teaching Regulation Agency witness statements – pages 20 to 34

Section 4: Teaching Regulation Agency documents – pages 35 to 339

Section 5: Teacher documents – pages 341 to 347

In advance of the hearing, the panel also received a bundle of documents relating to proof of service.

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

In addition, the panel agreed to accept the following:

- a track and trace receipt (new pages 81-83 of the proof of service bundle);

- an attendance note (new page 85 of the proof of service bundle); and
- a video clip, which had been served on Ms Shahid.

Witnesses

The panel heard oral evidence from:

- Individual A – the father of Pupil A; and
- Individual B

Both witnesses were called by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed it had read all of the documents provided in the bundle in advance of the hearing.

Ms Shahid had been employed at the School from 1 September 2015 as a science teacher. It was Ms Shahid's first teaching position following qualification.

On 27 September 2017, Individual B was first made aware of concerns regarding Ms Shahid by another member of staff. This related to an incident on 20 September 2017 in which the member of staff saw Ms Shahid in her form room with two pupils, including Pupil A. Pupil A was a year 11 student at the School. Ms Shahid had taught Pupil A in years 9 and 10 and was previously his form tutor. Individual B held a meeting with Ms Shahid to discuss this incident on 28 September 2017 and a letter was sent to Ms Shahid on 6 October 2017 to confirm their discussions.

On 13 October 2017, Ms Shahid asked a colleague to speak to Pupil A after Pupil A had put his hand on her shoulder to remove an object.

On 29 November 2017, a different member of staff witnessed Ms Shahid with a pupil in a room with the lights off. On or around this date, a separate member of staff reported seeing Pupil A giving Ms Shahid a "lingering wave". Staff reported seeing Pupil A remaining in school after hours and overheard conversations that Pupil A had bought chocolates for Ms Shahid. Another meeting was held between Ms Shahid and Individual B to discuss these concerns, specifically to avoid being alone with pupils including Pupil A. A letter of concern followed on 19 December 2017 to confirm the discussions. The School's Designated Safeguarding Lead also held a meeting with Ms Shahid to discuss safeguarding issues.

On 23 January 2018, Pupil A was observed to be looking inappropriately at Ms Shahid. It was decided concerns should be raised with Pupil A's parents at parents evening on 25 January. At this meeting, Pupil A's mother expressed her concerns around further incidents between Pupil A and Ms Shahid. As a result, a meeting was held with Pupil A and his parents on 29 January 2018, during which it was alleged that Ms Shahid had arranged to meet Pupil A near/at his home address on multiple occasions.

Following this meeting, on 31 January Ms Shahid was instructed not to have any contact with Pupil A and advised not to be alone with him. Ms Shahid was told that the LADO and the local authorities (including the police) had been informed.

On 1 February 2018, Ms Shahid was given a letter outlining the discussions of the previous meeting. Later that day Ms Shahid and Pupil A met in Ms Shahid's car.

Ms Shahid was suspended pending further investigation on 2 February 2018. Following the School's internal investigation and disciplinary hearing, Ms Shahid was informed on 25 April 2018 that she had been found guilty of gross misconduct and would be dismissed. Ms Shahid appealed this decision and a hearing was held on 12 June 2018. On 20 June 2018 the finding of gross misconduct was upheld.

Findings of fact

The findings of fact are as follows:

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

1. you arranged to meet Pupil A outside his place of residence

a. on 28 December 2017, and/or;

b. on or about 29 December 2017;

The panel noted that Pupil A and Ms Shahid presented different accounts of events taking place on or around the above dates.

Pupil A confirmed in his account of events that he and Ms Shahid met outside his home on 28 December. This is evident in his handwritten log of their meetings and in Pupil A's interview with Individual B. The log was produced by Pupil A at his father's request, to detail all occasions where Pupil A and Ms Shahid had met. The panel was unable to establish exactly when this was written but verified that it was produced at least a week prior to Pupil A being interviewed as part of the disciplinary investigation. The panel was of the view that Pupil A's accounts, given at different times, were broadly consistent.

Pupil A's account is supported by his father's evidence, which was heard and tested by the panel. The father of Pupil A saw a red car near the family home late at night. He saw

his son near the car and looking at it. The father of Pupil A took note of the car because the street had parking issues.

The panel had regard for Pupil A's evidence that he and Ms Shahid were meeting on a regular basis. The panel also noted a discrepancy in the times given for the alleged meeting on 28 December, between the evidence of Pupil A and his father. The panel preferred the evidence of the father of Pupil A given the detail of his account, specifically that the time of the incident could be accurately placed against a significant family event which had fixed the date and time in his mind. Pupil A's father could recall telling his son off for being out of the house late when he was left responsible for the family home.

The next day, the father of Pupil A reported seeing the same car again, and Pupil A left the house at the same time. At that time he did not know the identity of the driver but following his viewing of a video (which is described later in these findings) he recognised the car as being that driven by Ms Shahid.

The panel considered Ms Shahid's alternative account of the two dates: that on both occasions she was with members of her family. Ms Shahid had produced receipts which placed her playing mini golf and attending a children's inflatable play centre, and a statement from her sister which said that Ms Shahid was at home with family in the evenings. However, the panel preferred the evidence of the father of Pupil A which was tested and given under oath. The panel considered that whilst Ms Shahid may have undertaken daytime activities this did not preclude her meeting Pupil A later.

On the balance of probabilities, the panel found this allegation proven.

2. in or around December 2017, you told Pupil A that you would call him on the telephone landline at his place of residence during school holidays were you to be feeling sad;

In Pupil A's handwritten account of his meetings with Ms Shahid, he explained that "Miss Shahid told me that she will phone the house phone if she got sad in the holidays and she did and she was outside and I made her happy". In the handwritten log it was apparent that this was 28 December. Pupil A repeated this in his interview with the School on 2 February 2018 and this is captured in the meeting note which states, "yes Miss Shahid did call his house phone...so he would know she was outside".

The panel heard oral evidence from Pupil A's father which supported Pupil A's account. Pupil A's father confirmed that his son did not have a mobile phone, meaning any calls would need to be to the landline. Pupil A's father recalled Pupil A displaying a change of body language on a couple of occasions when he was speaking on the home phone. The father of Pupil A was sufficiently concerned that he checked the telephone number but failed to identify it.

The panel acknowledged that Ms Shahid had denied this allegation in her statements to the School as part of its disciplinary proceedings. Ms Shahid explained that she had a

good support network of family and friends and thus calling Pupil A would be unnecessary. Ms Shahid had provided the School with telephone records for the relevant period but the panel's view was that there was no evidence this was her only telephone.

The panel considered that Pupil A had on two separate occasions given the same account: his handwritten log prepared for his father and at an interview with Individual B. The panel considered there was consistency between the two accounts given by Pupil A which the panel was satisfied had been given over a period of time.

The panel also acknowledged the father of Pupil A's evidence that on 28 December, Pupil A had been left in charge of the house, providing an opportunity for Ms Shahid to telephone.

The panel considered the evidence provided by Ms Shahid and Pupil A and, on the balance of probabilities, preferred the evidence of Pupil A. The panel found this allegation proven.

4. in or around December 2017, she hugged Pupil A on one or more occasions;

The panel had regard to Pupil A's log of his meetings with Ms Shahid and the minutes of his interview as part of the School's investigation. On several occasions Pupil A stated in the log that he and Ms Shahid had hugged, including in the December holidays where Pupil A wrote: "I gave her a hug. She told me that I'm perfect but she knows that she can't get me and she starts to cry and [I] comforted her". The panel noted that there was a pattern of behaviour of Pupil A wanting to make Ms Shahid happy and references to his perception of her feeling sad. Pupil A repeated his position in his interview with Individual B, which is confirmed in the meeting note: "That night I spoke to her for 20 minutes and I gave her a hug... Miss Shahid was sad, I was trying to make her feel comfortable, she was feeling sad about herself, she wasn't thinking highly of herself".

The panel acknowledged that Ms Shahid had denied this allegation in her statements to the School as part of its disciplinary proceedings. Although Ms Shahid later accused Pupil A of being a fantasist, the panel considered Pupil A's account to be measured and not exaggerated. On balance, the panel preferred Pupil A's account.

The panel found this allegation proven.

5. on 1 February 2018, having been informed that allegations of misconduct involving Pupil A were to be investigated and/or having been warned not to spend any time alone with Pupil A:

- a. you arranged to meet Pupil A after school on 1 February 2018; and/or**
- b. you voluntarily spent time alone with Pupil A after school in your car; and/or**

c. you allowed Pupil A to read a document or documents provided to you by the School in connection with the investigation into allegations of misconduct against you; and/or

d. you instructed Pupil A that he should deny and/or lie about his relationship with you;

On 31 January 2018, Ms Shahid met with Individual B and was told of the allegations against her, that the LADO had been informed, and that there would be a formal investigation including interviews with her and Pupil A.

On 1 February 2018, Ms Shahid waited at the end of school to receive the letter from Individual B detailing the allegations and investigation. Evidence from the School's investigation and Individual B's oral evidence suggested Ms Shahid became increasingly anxious as the time approached 5 p.m. and she asked twice for the letter, stating that she could not wait any longer. Ms Shahid was aware from her meeting the previous day that she would be receiving this letter.

Pupil A stated in an interview, as part of the disciplinary proceedings, that at the end of that school day he went to Ms Shahid in her form room, 309, and said that, "Miss Shahid had mouthed to meet me at [redacted] at 5". The panel were presented with CCTV evidence demonstrating that he did visit her classroom on that date.

The panel believed, on balance, that the reason that Ms Shahid wanted to meet Pupil A that evening was to discuss the investigation and share the contents of the investigation letter. Ms Shahid's anxiety appeared to reflect that she needed to meet Pupil A at the agreed time.

The panel saw the video taken by Pupil A's sister on the evening of 1 February 2018. The video showed Pupil A and Ms Shahid sat in the front of her car, parked on [redacted] which is not far from Pupil A's house.

Pupil A's sister had seen Pupil A head towards the car and get in. Pupil A's sister was concerned and decided to take a video on her phone. The panel had opportunity to scrutinise the video at some length. It was evident that Pupil A was in the car with Ms Shahid, and this was confirmed by Individual B's identification of these individuals. They seemed to be talking calmly.

The video showed Pupil A's sister ordering Pupil A out of the car. The video also showed a document lying on the central armrest between Pupil A and Ms Shahid. When Pupil A left the car, Ms Shahid immediately grabbed the document and put it away under the front shelf. Whilst the panel could not see the writing on the document, in his evidence to the School's investigation, Pupil A said that Ms Shahid had shown him a letter from the School. Pupil A provided enough detail from the document for it to be identified, in the panel's view, as the disciplinary letter.

The video then showed Ms Shahid covering her face and driving off at speed with the passenger door open.

Ms Shahid's explanation of the events is as follows. She denied that the meeting was pre-arranged. She stated that she was parked around the corner from Pupil A's house because she hit a bollard outside the petrol station and had pulled up to assess any damage. She claimed Pupil A came from nowhere and got into the car without permission and she shouted at him to get out. Pupil A's sister approached the car and videoed her. Ms Shahid claimed that she was set up by Pupil A and his family. She said she covered her face in the video because she was afraid it might be an acid attack. Later that day, Ms Shahid reported the incident to the police and emailed Individual B.

Having seen the video, the panel was of the view that there was no evidence of the teacher shouting at Pupil A to leave the car. Both Ms Shahid and Pupil A appeared to be conversing calmly. The panel found it difficult to understand how Pupil A would be in the car with Ms Shahid unless this meeting was pre-arranged. Ms Shahid stated in her response to the allegations presented at the School disciplinary investigations that she hid her face to protect herself in case of an acid attack. However, the panel noted that her first action was not to cover her face but to grab the document.

The panel also noted that there were contradictory accounts of why Ms Shahid was parked on [redacted]. In her first account, Ms Shahid stated she hit a bollard and pulled over, whereas on her second account she stated that Pupil A and his sister found her on that road because she routinely drove that way.

The panel gave careful consideration to Ms Shahid's version of events on 1 February 2018 but found that it was not credible. With regard to 5 a, b and c, the panel found the allegations proven.

With regard to 5 d, the panel considered the minutes of the interview with Pupil A. In these, Pupil A told Individual B that, after Ms Shahid showed him the letter, she said, "don't tell them what's going on". The panel accepted Pupil A's account. The panel therefore found allegation 5 d proven.

6. following the incident that took place on 1 February 2018, in the course of the school's investigation into your conduct, you were untruthful in your explanation as to how Pupil A came to be in your car on 1 February 2018;

The panel had regard to Ms Shahid's account of the events of 1 February 2018 (as noted above). The panel observed that Ms Shahid further developed her version of events for the School's disciplinary hearing to accuse Pupil A of having stalked her from the beginning of year 11 and making her the victim.

The panel gave particular consideration to Individual B's oral evidence and written statement, which set out that at no point prior to the School's disciplinary investigation had Ms Shahid raised any such allegations. The panel observed that she had had ample

opportunity to raise these allegations during meetings to discuss the relationship with Pupil A.

Ms Shahid said that Pupil A had got into her car uninvited as part of a family set-up. In considering this version of events, the panel gave particular weight to the oral evidence of the father of Pupil A. He explained that he knew nothing of the video until Pupil A's sister showed him and initially he did not want to see it. Moreover, there had been a family row about the video as Pupil A was furious about what his sister had done. The panel felt this supported Pupil A's version of events.

From the panel's scrutiny of the video, there was no evidence of Ms Shahid shouting at Pupil A as claimed. They appeared to be conversing calmly. The panel did not consider it credible that Pupil A would know where Ms Shahid would be parked unless the meeting had been pre-arranged.

Approximately one hour after this incident, Ms Shahid called 999 alleging to the police that she was being harassed by Pupil A who had jumped inside her car. Later that evening, Ms Shahid repeated this allegation to Individual B. The police took no further action.

In the view of the panel, Ms Shahid had fabricated a version of events with the intention of forestalling disciplinary action.

The panel found this allegation proven.

7. by your conduct as set out in all or any of allegations 1-5 above, you failed to observe a proper boundary appropriate to a teacher's professional position;

As the panel found allegations 1, 2, 4 and 5 proven, the panel considered the nature of Ms Shahid's conduct and concluded there was a clear failure to observe professional boundaries.

Whilst the panel recognised that there was no evidence of sexual contact, there was nevertheless a strong emotional attachment between Pupil A and Ms Shahid. This was apparent through Pupil A's accounts and also supported by his father's oral evidence. Pupil A cared for and respected Ms Shahid, and was concerned for her wellbeing. This relationship had developed through regular contact – both inside and outside of school - with Ms Shahid crossing the professional boundaries expected of a teacher. The panel noted that in year 11 Ms Shahid did not teach Pupil A and she was no longer his form tutor.

Ms Shahid had received advice and training from the School regarding safeguarding, and she was offered timely and effective management guidance and support in connection with repeated concerns about the relationship with Pupil A. Ms Shahid was clearly

continuing to fail to observe the proper boundaries despite significant attempts by the School to manage this risk.

The panel found this allegation proven.

8. by your conduct as set out in allegation 5 d. above, you:

a. were dishonest; and/or

b. failed to act with integrity

The panel found allegation 5 d proven and therefore turned its consideration to allegation 8.

The panel believed that Ms Shahid asking Pupil A to be dishonest on her behalf was in itself dishonest. By trying to persuade Pupil A to lie for her, Ms Shahid's intention was clearly to deceive or mislead the School's investigations. In the panel's view, those actions were dishonest and Ms Shahid must have known at the time that they were dishonest.

Because of Ms Shahid's dishonesty, and the involvement of a pupil in an attempt to deliberately deceive, she clearly failed to act with integrity.

The panel found this allegation proven in its entirety.

9. by your conduct as set out in allegation 6 above, you:

a. were dishonest; and/or

b. failed to act with integrity.

Ms Shahid's versions of events, given to the School, the police and later to governors, were clearly untruthful on the basis of the finding of fact in allegation 6. In the view of the panel, her motivation was to deceive those who were investigating the incident. This was dishonest. The panel believed that Ms Shahid would have known this was dishonest at the time of making those statements.

Ms Shahid initially stated that she was on the road by chance because she hit bollards and pulled over to recover, but later claimed she always used same route after school. The inconsistency in Ms Shahid's accounts indicates a lack of honesty.

The panel noted that, in her explanation given to the School, Ms Shahid further elaborated on the story to accuse the student of stalking her and being a fantasist. She attempted to put the blame for the car video incident of 1 February firmly on Pupil A and his family. In the view of the panel, the attempt to shift responsibility from herself to Pupil A and her involvement of the police demonstrated a lack of integrity.

The panel found this allegation proven.

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

3. in or around December 2017, you shared information with Pupil A regarding your rejection of a marriage proposal;

The panel acknowledged that Pupil A had raised in interview with Individual B that Ms Shahid “had turned down a proposal of marriage for him”. However the panel determined there was insufficient corroborating evidence on this point to demonstrate on the balance of the probabilities that this allegation was proven.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven 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”.

The panel was satisfied that the conduct of Ms Shahid, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Ms Shahid 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; and
 - 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 Ms Shahid amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Shahid’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that in this context Ms Shahid’s serious dishonesty was 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.

For this and the above reasons, the panel was satisfied that Ms Shahid was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel 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 findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. Ms Shahid's inappropriate relationship with Pupil A and her dishonest attempts to cover this up clearly brought the profession into disrepute.

The panel therefore found that Ms Shahid's actions constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of particulars 1, 2 and 4-9 proven, the panel found that Ms Shahid's conduct 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, it was necessary for the panel 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. 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. The panel gave consideration to the interest of retaining the teacher in the profession.

The panel's findings against Ms Shahid involved meeting a pupil both inside and outside school against sustained advice, and making dishonest allegations against the pupil in an attempt to forestall and mislead disciplinary proceedings. In light of this, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate relationship with a young person.

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since she had the potential, as an effective and developing teacher, to make a valuable contribution to the profession.

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 Ms Shahid.

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 Ms Shahid. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though some of the behaviour found proven 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.

The panel found that the teacher's actions were deliberate and sustained. There was no evidence to suggest that the teacher was acting under duress.

The panel saw evidence of two character statements supporting Ms Shahid from teacher colleagues. The panel also heard oral evidence from Individual B confirming that Ms Shahid was a developing teacher who had good potential.

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, the recommendation of no prohibition order would not be a proportionate and appropriate response. Recommending that the publication of adverse findings would be sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for the teacher 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 Ms Shahid. Her inappropriate interactions with Pupil A continued despite ongoing management support and guidance. The panel is of the view that her disregard of all advice and demonstrable lack of insight, suggests there is a potential ongoing risk. In addition, her dishonesty in fabricating serious allegations against Pupil A as a means to forestall or deceive disciplinary proceedings was a further significant factor. 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 behaviours that, if proven, would militate against the recommendation of a review period. These behaviours include serious dishonesty and particularly where that dishonesty has the intention of covering up alleged misconduct. The panel found that Ms Shahid was responsible for making serious, dishonest allegations against a pupil to the School and the police, which had the potential to cause significant harm to Pupil A and his family. This was in addition to the harm already caused by the inappropriate relationship.

Ms Shahid has shown no insight or remorse for her actions in her submissions to the School disciplinary inquiry nor in her written submission to the TRA on 2 December 2018, ten months following her suspension.

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. In this case, the panel has found allegation 3 not proven, and so I have put those matters entirely from my mind.

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

In particular, the panel has found that Ms Shahid 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; and
 - 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 also "satisfied that the conduct of Ms Shahid amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

In addition the panel also considered whether Ms Shahid's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel "found that in this context Ms Shahid's serious dishonesty was relevant."

The findings of misconduct are particularly serious as they include a finding of dishonesty as well as an inappropriate relationship with a pupil.

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 Ms Shahid, and the impact that will have on her, 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 that its, “ findings against Ms Shahid involved meeting a pupil both inside and outside school against sustained advice, and making dishonest allegations against the pupil in an attempt to forestall and mislead disciplinary proceedings.” 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, “Ms Shahid has shown no insight or remorse for her actions in her submissions to the School disciplinary inquiry nor in her written submission to the TRA on 2 December 2018, ten months following her suspension.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. 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 findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. Ms Shahid’s inappropriate relationship with Pupil A and her dishonest attempts to cover this up clearly brought the profession into disrepute.”

I am particularly mindful of the finding of serious dishonesty 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 Ms Shahid herself. The panel say that it, “saw evidence of two character statements supporting Ms Shahid from teacher colleagues. The panel also heard oral evidence from Individual B confirming that Ms Shahid was a developing teacher who had good potential.”

A prohibition order would prevent Ms Shahid from teaching and would also clearly deprive the public of her 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 insight or remorse. The panel has also said, “Ms Shahid was responsible for making serious, dishonest allegations against a pupil to the School and the police, which had the potential to cause significant harm to Pupil A and his family. This was in addition to the harm already caused by the inappropriate relationship.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Shahid 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 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.”

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors that mean that a no review period is proportionate are, the inappropriate relationship, the dishonesty found 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 Ms Amber Shahid 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 proven against her, I have decided that Ms Amber Shahid shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Amber Shahid has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', written in a cursive style.

Decision maker: Alan Meyrick

Date: 4 October 2019

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