



Teaching
Regulation
Agency

Mr Shazad Gulfam: Professional conduct panel outcome

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

November 2022

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

Teacher: Mr Shazad Gulfam
TRA reference: 19756
Date of determination: 10 November 2022
Former employer: Woodbury School, Wolverhampton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 8 to 10 November 2022 via Microsoft Teams to consider the case of Mr Shazad Gulfam.

The panel members were Mr Martin Coles (former teacher panellist – in the chair), Mr Stephen Chappell (lay panellist) and Ms Rachel Kruger (teacher panellist).

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

The presenting officer for the TRA was Ms Louise Ravenscroft of Capsticks Solicitors LLP.

Mr Gulfam was present and was represented by Penny Maudsley of Alexander Chambers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 25 August 2022.

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

While employed as a teacher at Woodbury School, England (“the School”):

1. On or around 10 September 2020, he caused physical harm to Pupil A when he used disproportionate and/or inappropriate interventions and/or restraints;
2. On or around 10 September 2020, he caused emotional harm to Pupil A when he used disproportionate and/or inappropriate interventions and/or restraints;
3. On or around 10 September 2020, he raised his voice to Pupil A and/or Pupil B and/or he made one or more inappropriate comment along the lines of “what you gonna [sic] do” and/or “come on then do something”;
4. On or around 10 September 2020, he caused physical harm to Pupil B, when he used disproportionate and/or inappropriate intervention and/or restraints;
5. On or around 10 September 2020, he caused emotional harm to Pupil B, when he used disproportionate and/or inappropriate intervention and/or restraints.

Mr Gulfam denied all of the allegations and denied unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 33

Section 3: Teaching Regulation Agency witness statements – pages 34 to 43

Section 4: Teaching Regulation Agency documents – pages 44 to 137

Section 5: Teacher documents – pages 138 to 182

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

Witness A, [REDACTED]

Witness B, [REDACTED]

Witness C, [REDACTED]

Witness D, [REDACTED]

Witness E, [REDACTED] for Pupil A

The panel heard oral evidence from Mr Gulfam.

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 Gulfam commenced employment as a teacher at the School on 17 September 2018. On 29 October 2020, Mr Gulfam attended a disciplinary hearing.

Findings of fact

The findings of fact are as follows:

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

2. On or around 10 September 2020, you caused emotional harm to Pupil A when you used disproportionate and/or inappropriate interventions and/or restraints;

The notes of the School's investigatory interview with the teaching assistant state that she had said that Pupil A seemed distressed throughout the incident.

The teaching assistant stated in her witness statement for these proceedings that, following the incident, whilst she was in the sensory room with Pupil A, Mr Gulfam kept going past the room with another student who was really upset. She stated that Pupil A kept getting angry every time Mr Gulfam went past and was shaking, so she made the decision to take Pupil A to see a pastoral manager at the School.

The pastoral coordinator at the time stated that Pupil A came into her office and was visibly upset and was not himself. Although she did not make a note of what Pupil A had said, she was interviewed shortly after the incident and the notes of that meeting state that Pupil A was struggling to get his words out so she asked him to give himself some time before he was ready to speak about what had happened. She stated that Pupil A and Pupil B (who had entered the room) had asked to remain in the office with her until home time as they did not want to return to the phase two area because they did not want to see Mr Gulfam.

For the reasons set out in relation to allegation 1 found not proven below, the panel did not consider that there was sufficient evidence to conclude that it was more probable than not that Mr Gulfam had inappropriately restrained Pupil A.

Nevertheless, for the reasons set out in relation to allegation 3 below, the panel did consider that there had been an inappropriate intervention in relation to Pupil A in making the inappropriate comments.

Given the evidence of upset caused to Pupil A in the immediate aftermath of the incident, the panel considered that it was more likely than not that Mr Gulfam's inappropriate comments had caused emotional harm to Pupil A, albeit such harm was not serious and of a temporary nature, as confirmed by his Witness E who told the panel that Pupil A did not appear upset when she spoke with him not long after the end of the School day. Nevertheless, the incident had enough impact on Pupil A that he raised it with [REDACTED] and his Witness E.

The effect of Mr Gulfam's actions would have been to inflame a vulnerable child who was already displaying heightened behaviours. Furthermore, Pupil A, [REDACTED] had to go on to tell others about what had taken place, a process that appeared to have troubled Pupil A given that he went on to retract the allegations he had made.

The panel therefore found this allegation proven.

3. On or around 10 September 2020, you raised your voice to Pupil A and/or Pupil B and/or he made one or more inappropriate comment along the lines of “what you gonna [sic] do” and/or “come on then do something”;

As referred to above, the teaching assistant stated that she heard Mr Gulfam asking Pupil A to move away from the door. She stated that Pupil A refused and Mr Gulfam said, “what you gonna do”, then kept on saying to Pupil A, “come on then do something”.

The notes of the account that Pupil A gave to the Witness E state that Pupil A said that his attempts to get out of the room were met by Mr Gulfam shouting “what are you going to do about it” in his face.

The panel found Pupil A's account as recorded by the pastoral co-ordinator and his Witness E was admissible. His evidence was not the sole and decisive evidence of what

had taken place; it was supported by the evidence of the Witness C. The panel were not aware of any reason that Pupil A had to fabricate what he was saying, although the panel understood the need to treat Pupil A's evidence with caution, as his Witness E had given evidence that the importance of truth telling was an area that she and his carers were working on with him. The panel did not consider that it was reasonable to expect Pupil A to give oral evidence to the panel considering [REDACTED], but fairness required that his voice ought still to be heard. Mr Gulfam did not anticipate Pupil A being called, although his representative made representations regarding the weight that the panel should attach to his evidence.

Mr Gulfam denied making the alleged comments both during the school's investigation and in his oral evidence.

The panel noted the language used in Mr Gulfam's witness statement written shortly after the incident. He stated he "felt broke yesterday due to the work load", that he "was dragging his feet", "begging the two [pupils] to stop", "I seriously was drained". In his interview as part of the School's investigation, the notes record that Mr Gulfam stated that "my mistake was showing that I was panicking", and "I was literally begging them to stop". Notes of an interview conducted jointly with the deputy head teacher and phase leader confirmed that a knocking had been heard at the door of the room in which they were holding a meeting, but that the door had not been opened. Mr Gulfam described consistently his attempts to seek support and the frustration he had felt when no support was forthcoming.

The panel noted the consistency of the language between the account Pupil A gave to the Witness E and the Witness C's account. Their accounts corroborated each other. In light of that, the panel considered that it was more likely than not that Mr Gulfam made the inappropriate comment to Pupil A that is alleged, particularly since Mr Gulfam's own evidence indicates that he was at the end of his tether in managing the pupils without support being provided.

The panel found this allegation proved but only to the extent of having made an inappropriate comment to Pupil A. There was no evidence of any inappropriate comment having been made to Pupil B and the panel did not consider that it would have been inappropriate for Mr Gulfam to have raised his voice to either pupil given the challenging behaviours that both pupils were displaying, in order to seek to make himself heard.

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

While employed as a teacher at Woodbury School, England ("the School"):

1. On or around 10 September 2020, you caused physical harm to Pupil A when you used disproportionate and/or inappropriate interventions and/or restraints;

A teaching assistant gave a witness statement for these proceedings. This stated that she encountered Pupil A banging on the other side of a door and asking to be let out. She stated that she heard Mr Gulfam asking Pupil A to move away from the door. She stated that Pupil A refused and Mr Gulfam grabbed Pupil A pulling his white top by the arm and pulled Pupil A towards him and pushed Pupil A into the sensory room and closed the door so he was in the room on his own. She stated that she sat with Pupil A in the sensory room and Pupil A told her that his arm really hurt. She stated that she could see Pupil A had red finger marks on the arm by the bicep and red finger marks just below the elbow on the same arm. She stated that Pupil A also told her that he had a red mark on his side. In oral evidence the teaching assistant referred to Mr Gulfam having grabbed Pupil A by the arm rather than the sleeve.

The notes of the School's investigatory interview with the teaching assistant state that she had said that she had not seen Mr Gulfam attempt to alert a member of the senior leadership team. This was despite notes of an interview conducted jointly with the deputy head teacher and phase leader confirming that a knocking had been heard at the door of the room in which they were holding a meeting, but that the door had not been opened to see what was happening.

The pastoral coordinator at the time stated that Pupil A came into her office and was visibly upset and was not himself. Although she did not make a note of what Pupil A had said, she was interviewed shortly after the incident and the notes of that meeting state that Pupil A had said that he had been in the phase two areas of the school with Pupil B and Mr Gulfam. This account referred to Pupil A having said that Mr Gulfam had pushed him and Pupil B into the classroom and turned the light off. He also referred to Mr Gulfam having pushed him into the old quiet room and wouldn't let him leave.

Pupil B entered the pastoral coordinator's room as she asked Pupil A to repeat information he had given to her. The pastoral coordinator made a note of her conversation with Pupil B. The notes stated that Pupil B had told her that Mr Gulfam had dragged her and Pupil A out of the class. Pupil B stated, "he pushed me and Pupil A in there and dragged me out."

Pupil A's Witness E stated that she received an out of hours call from Pupil A [REDACTED] regarding other matters but during the call, they disclosed concerns regarding Mr Gulfam. She made a record of the account that Pupil A gave. She stated that Pupil A had mentioned that he had a scratch on this hand that he did not notice until he had got home from school but that he assumed it must be as a result of him having been "picked up and put in another room". She sought to clarify what he meant by being picked up and Pupil A said that only one foot was off the floor, he was being held across his chest and he was being pushed and dragged. The notes go on to state that Pupil A had said that when he attempted to move, he got put back in the room again, in a similar method, although the information was confusing as to the amount of times and how long this had gone on for. She stated that he was confused about the exact details of his

account and was uncertain about the scratch being a result of the incident. Pupil A later sought to retract what he had said.

The Witness E also made a note of the information Pupil A had given to his [REDACTED]. This described Pupil A having said that Mr Gulfam had escorted him to a room with his hand on Pupil A's arm because Pupil A wouldn't go. He also referred to Mr Gulfam having restrained him in "like bear-hugged me from behind", then let go of him and Pupil A continued to try to get through the door. Pupil A stated that Mr Gulfam then bear-hugged him for a second time.

The notes of the school's investigation interview provide Mr Gulfam's description of his physical intervention with Pupil A stating that he had placed both of his hands on Pupil A's shoulders and redirected him to the door to the sensory room where Pupil B was still by the door. Mr Gulfam gave oral evidence that he perceived Pupil A to be at risk from Phase 3 pupils who were in the hall and to whom Pupil A had been gesticulating.

Mr Gulfam denied being responsible for a scratch on Pupil A's arm. He stated that he did not use force when he moved Pupil A and that he was not surprised that Pupil A had marks as he was punching and kicking walls and doors. Mr Gulfam confirmed he had not used a Sherwood hold, the technique endorsed by the School upon which staff members were trained. Mr Gulfam's position is that the force he used towards Pupil A was proportionate, that he placed his hands on either side of his shoulders, and that this was a technique commonly used in the School when guiding smaller pupils.

Given that there had been four different accounts of what had taken place the panel was not able to reach any conclusion as to the nature of the intervention that took place. This was described differently by the teaching assistant, Pupil A, Pupil B and Mr Gulfam. It was not therefore possible for the panel to corroborate any of their accounts and the narrative was very confused. Furthermore, the School's investigation was of little assistance, having not sought to obtain any evidence of any reporting of the incident on the Schools systems, nor the risk assessments pertaining to the pupils, nor the provenance of a photograph of an injury that had been provided.

This photograph depicted a long scratch on an arm, but there was no evidence of this having been a photograph of Pupil A, nor did the scratch match the injury described by the Witness C of finger marks to the arm, nor the description Pupil A gave to his Witness E of a scratch to the hand. There was also a contradiction in the evidence of the Witness C who stated she had taken Pupil A to the pastoral co-ordinator because of the injury to his arm, and the pastoral co-ordinator who stated she was not aware of any injury to Pupil A. No body map was made as was usual practice in the School when a pupil sustained an injury.

The teaching assistant's evidence of injury to Pupil A was not corroborated in the same way as her evidence was corroborated in relation to the inappropriate comments made

by Mr Gulfam. The panel therefore did not consider there was sufficient evidence to find this allegation proven.

4. On or around 10 September 2020, you caused physical harm to Pupil B, when you used disproportionate and/or inappropriate intervention and/or restraints;

The pastoral coordinator at the time stated that Pupil A came into her office and was visibly upset and was not himself. Although she did not make a note of what Pupil A had said at the time, she recorded what had happened the following day. Her notes state that Pupil A had said that he had been in the phase two areas of the school with Pupil B and Mr Gulfam. She stated that Pupil A had said that Mr Gulfam had pushed him and Pupil B into the classroom and turned the light off. Mr Gulfam then dragged Pupil B out of the room and told Pupil A to leave.

As she was asking Pupil A to repeat information he had given to her, the teaching assistant entered the office with Pupil B who was visibly upset and was sobbing. The pastoral's coordinator's note made the following day stated that Pupil B had held her and refused to let go saying "I hate him. I hate him, he pushed me and dragged me into there". The pastoral co-ordinator made a note of her conversation with Pupil B. Pupil B's account recorded by the pastoral co-ordinator stated that Pupil B had got paint on her dress because Pupil A was kicking the door because he was getting stressed. She stated that Mr Gulfam was following her around and wouldn't leave her alone so she kicked the window and pointed to a bruise on her right knuckle. She stated that Mr Gulfam had made her kick the window again and that she didn't want to be in phase two because of Mr Gulfam. She stated that she was watching the television and Mr Gulfam pulled the remote control out of her hands and that she got a bruise on her back but would not show the pastoral co-ordinator. Pupil B stated that Mr Gulfam had dragged her and Pupil A out of the class.

The notes of the Witness E who spoke with Pupil A state that Pupil A had told her that he had also seen Pupil B getting picked up and put in a room.

The panel found Pupil B's account as recorded by the pastoral co-ordinator was admissible. Whilst the evidence of Pupil B was the decisive evidence in support of the allegations, it had some support from the evidence of Pupil A (albeit the panel recognised that evidence was also hearsay). The panel were not aware of any reason that Pupil B had to fabricate what she was saying, and the evidence was that Pupil B and Mr Gulfam had a good relationship. The panel did not consider that it was reasonable to expect Pupil B to give oral evidence to the panel considering her complex learning needs, but fairness required that her voice ought still to be heard. Mr Gulfam did not anticipate Pupil B being called, although his representative made representations regarding the weight that the panel should attach to her evidence.

Mr Gulfam was not informed during the School's investigation about any allegations regarding Pupil B and was not given the opportunity to address such allegations. The

School's investigation was not designed to establish what had happened with regards to Pupil B.

Neither Pupil A or Pupil B's account of any physical intervention by Mr Gulfam explains that exact nature of the contact. Both refer to dragging, but the panel had no evidence as to what Pupil A or Pupil B meant by that. Furthermore, although Pupil B referred to having sustained a bruise to her back, since this was not shown to anyone, there is no third party evidence of the bruising actually being present. It was usual practice in the school for a body map to be completed of any injury but this was not done.

The panel did not therefore consider there was sufficient evidence of either the intervention or any physical harm for this allegation to be found proven.

5. On or around 10 September 2020, you caused emotional harm to Pupil B, when you used disproportionate and/or inappropriate intervention and/or restraints.

The teaching assistant stated that during the incident with Pupil A, Pupil B was at the other end of the corridor and also seemed distressed; she was shaking and screaming "get away from me".

The notes of the School's investigatory interview with the pastoral coordinator state that as she was asking Pupil A to repeat the information he had given to her, the teaching assistant entered the office with Pupil B who was visibly upset and was sobbing. She stated that Pupil B had held her and refused to let go saying "I hate him. I hate him, he pushed me and dragged me into there". She stated that she asked Pupil B who she was referring to and Pupil B replied "him fucking Shazad". She stated that Pupil A and Pupil B had asked to remain in the office with her until home time as they did not want to return to the phase two area because they did not want to see Mr Gulfam.

Since there was insufficient evidence of the nature of the intervention and whether it was disproportionate or inappropriate, the panel did not find this allegation proven. The lack of coherent narrative as to what had taken place meant that the panel could not find that it was more likely than not that the intervention was inappropriate or disproportionate and caused emotional harm.

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

Having found two 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".

The panel was satisfied that the conduct of Mr Gulfam, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Gulfam was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel accepted that during the incident Mr Gulfam had been left alone to handle pupils with additional needs, and who were displaying challenging behaviours. The panel also accepted that Mr Gulfam had sought assistance to manage the pupils but that this was not forthcoming as it ought to have been. Nevertheless, the panel considered that Mr Gulfam's conduct had fallen significantly short of the standard of behaviour expected of a teacher as it was unacceptable for him to make comments that were of a confrontational nature to Pupil A, and such comments would have only served to further antagonise a pupil who was already in a heightened state.

The panel also considered whether Mr Gulfam'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 none of these offences was relevant.

The panel was satisfied that the misconduct was of a serious nature falling significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Gulfam was guilty of unacceptable professional conduct.

The panel went on to consider whether Mr Gulfam's conduct constituted conduct that may bring the profession into disrepute.

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.

In considering the issue of disrepute, the panel also considered whether Mr Gulfam's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As above, the panel found that none of these offences was relevant.

The panel considered that Mr Gulfam's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars 2 and 3 proved, the panel further found that Mr Gulfam'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 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, any mitigation offered by Mr Gulfam 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 punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found all of them to be relevant in this case, namely: the safeguarding and wellbeing 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.

There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings that Mr Gulfam had made inappropriate comments to Pupil A resulting in emotional harm to Pupil A, albeit of a temporary nature.

Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Gulfam were not treated seriously when regulating the conduct of the profession.

The panel was of the view that a public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Gulfam 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.

Given that the misconduct, although serious was at the lower end of the possible spectrum, the panel did not consider that prohibition would necessarily strike the right balance between the rights of Mr Gulfam to pursue his career and 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 well-being of pupils, and particularly where there is a continuing risk; and

failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

Even though some of the behaviour found proved in this case indicated that a prohibition order could 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 and whether there were mitigating circumstances.

Mr Gulfam's actions were not deliberate in the sense that he did not make a conscious decision to make the inappropriate comments. They were instinctive actions taken by Mr Gulfam at a point when he was fatigued dealing with two extremely challenging pupils with complex needs on his own and frustrated by the absence of support from his colleagues.

There was no evidence to suggest that Mr Gulfam was acting under extreme duress, in the sense of there having been any physical threat or significant intimidation. Although Mr Gulfam described paint having been flicked at him, and that Pupil A had tried to punch him, these were behaviours that might be expected from a pupil with such complex needs. Indeed, Mr Gulfam was adamant in his oral evidence that no fault whatsoever lay with the pupils. The panel did however, consider that there was a lack of support afforded to Mr Gulfam in managing the pupils and that this had a significant impact on his actions. He sought assistance that was not forthcoming. He also appeared to have been left without suitable school structures that made it difficult for him to teach and manage

students' behaviours successfully. On Mr Gulfam's evidence Pupil B required two staff members to support her, yet he was left managing both Pupil A and Pupil B on his own. The panel noted that no one from the senior management team at the School attended the professional conduct hearing to give oral evidence as to the staffing levels, support and structure provided within the School.

Mr Gulfam has a previously good history, having demonstrated high standards in both his personal and professional conduct and having contributed positively to the education sector, as evidenced by those who provided testimonial statements, referred to below. The panel accepted that the incident was out of character.

The panel has not been made aware of any referrals to the Teaching Regulation Agency, the GTCE or any other relevant body.

The deputy headteacher at another school at which Mr Gulfam had worked provided a testimonial statement. At the time, she was the SENDCo. She confirmed that she was aware of the allegations against Mr Gulfam before the panel. She stated that she found Mr Gulfam to be approachable and friendly, polite and able to form positive relationships with both colleagues and the young people that he was working with. When faced with challenging behaviour or circumstances, she stated that Mr Gulfam approached young people calmly and requested support where necessary to support the de-escalation of behaviour. She stated that he demonstrated a positive attitude towards the tasks asked of him; that he was keen to receive feedback and apply it to his work; and that he adhered to school policy.

A former colleague (a teaching assistant) who worked with Mr Gulfam at the School between October 2018 and December 2019 described having been fortunate enough to work closely with Mr Gulfam providing support within his classroom on several occasions. This colleague stated that Mr Gulfam met the needs of the young people within his classroom, matching work with academic levels; and that he utilised staff strengths, discussing lesson plans and ways to improve lessons. He stated that Mr Gulfam had been mindful not to cause harm to a young person when applying any type of hold as a last resort. This former colleague was aware of the nature of the allegations before the panel.

Another former colleague (a teacher) who worked with Mr Gulfam at the School for a period of about 18 months stated that he came to rely on Mr Gulfam for day to day support in what could be an extremely challenging working environment, and that he knew Mr Gulfam handled situations professionally and calmly. He referred to Mr Gulfam's desire to help every one of his students become the best that they could be, that he had great relationships with all of the students that he taught and understood their educational, social and emotional needs. He described Mr Gulfam as a good, professional and engaging teacher as well as having a caring and compassionate side to him and that he balanced both. He stated that Mr Gulfam was one of the most professional members of staff.

Another colleague (also a teacher) who worked with Mr Gulfam in the School shortly after it opened in 2018 provided a testimonial statement. She stated that he quickly proved himself, developing strong bonds with the children, and that he worked hard to develop the curriculum. She stated that he took constructive criticism as a signpost to improve his knowledge and abilities, and quickly became a staff member that she could trust to support her should a child's behaviour escalate. She described that he had very good skills to resolve a situation minimising distress to child and staff, and that he would always seek assistance should the situation deem it necessary. She stated that he would also ask to be removed if he felt he was a trigger to the situation. She also stated that Mr Gulfam showed great compassion towards the children, never taking the behaviours they displayed personally. She stated that he always displayed great empathy and understanding towards the children. She stated that she watched him grow into a very competent and capable teacher, and that his accomplishments included obtaining a "Good" rating by OFSTED within the School's first year of opening, with OFSTED being particularly impressed by the care and management of students. She confirmed that she had never witnessed Mr Gulfam behaving in a manner that was either threatening, abusive or inappropriate to any student.

The pastoral co-ordinator in her oral evidence referred to Mr Gulfam having been of significant help in managing the behaviour of one particular pupil.

The panel considered the risk of repetition to be low. Mr Gulfam's behaviour appeared to be out of character given the references provided by his former colleagues who were fellow professionals. His witness statement for these proceedings and his oral evidence demonstrate that Mr Gulfam has carefully reflected on the incident and has an understanding of what he ought to have done differently. He has also expressed empathy for the students and has an awareness of the impact of his actions on their wellbeing and education. Mr Gulfam has continued his professional development having completed a course in restraint awareness including prevention and management of violence and aggression training, long before he was notified of this case having been listed for a hearing. He has also completed his safeguarding children level 3 training and more recently a diploma in teaching skills for educators.

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 be both a proportionate and an appropriate response. It is now over two years since the disciplinary proceedings against Mr Gulfam concluded. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the

adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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

In this case, the panel has found the facts of allegations 2 and 3 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 some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Shazad Gulfam should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Gulfam is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

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

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 Gulfam, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would safeguard pupils. The panel has observed, "There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings that Mr Gulfam had made inappropriate comments to Pupil A resulting in emotional harm to Pupil A, albeit of a temporary nature." 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 considered the risk of repetition to be low. Mr Gulfam's behaviour appeared to be out of character given the references provided by his former colleagues who were fellow professionals. His witness statement for these proceedings and his oral evidence demonstrate that Mr Gulfam has carefully reflected on the incident and has an understanding of what he ought to have done differently. He has also expressed empathy for the students and has an awareness of the impact of his actions on their wellbeing and education. Mr Gulfam has continued his professional development having completed a course in restraint awareness including prevention and management of violence and aggression training, long before he was notified of this case having been listed for a hearing. He has also completed his safeguarding children level 3 training and more recently a diploma in teaching skills for educators." 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 weakened if conduct such as that found against Mr Gulfam were not treated seriously when regulating the conduct 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 Gulfam himself and the panel comment “Mr Gulfam has a previously good history, having demonstrated high standards in both his personal and professional conduct and having contributed positively to the education sector, as evidenced by those who provided testimonial statements, referred to below. The panel accepted that the incident was out of character.”

A prohibition order would prevent Mr Gulfam 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, “Mr Gulfam’s actions were not deliberate in the sense that he did not make a conscious decision to make the inappropriate comments. They were instinctive actions taken by Mr Gulfam at a point when he was fatigued dealing with two extremely challenging pupils with complex needs on his own and frustrated by the absence of support from his colleagues.”

I have also placed considerable weight on the finding of the panel that “Given that the misconduct, although serious was at the lower end of the possible spectrum, the panel did not consider that prohibition would necessarily strike the right balance between the rights of Mr Gulfam to pursue his career and the public interest.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Gulfam has made to the profession, supported by a number testimonial statements considered by the panel.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

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

Decision maker: Sarah Buxcey

Date: 15 November 2022

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