



Teaching
Regulation
Agency

Miss Nadia Ali: Professional conduct panel outcome

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

December 2022

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

Teacher:	Miss Nadia Ali
Teacher ref number:	1984275
Teacher date of birth:	4 April 1981
TRA reference:	18794
Date of determination:	13 December 2022
Former employer:	Trading as Ambassadors High School (London) Limited, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 12 and 13 December 2022, to consider the case of Miss Nadia Ali (“Miss Ali”).

The panel members were Mrs Gemma Hutchinson (teacher panellist – in the chair), Mr Peter Ward (lay panellist) and Ms Mona Sood (lay panellist).

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

The presenting officer for the TRA was Mr Ben Chapman of Counsel.

Miss Ali was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 4 October 2022.

It was alleged that Miss Ali was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

1. On or around 12th September 2019 and at Westminster Magistrates' Court she was convicted by the Chief magistrate of England and Wales for conducting an unregistered independent educational institution between 5th January 2018 and 19th July 2018 contrary to Section 96(2) of the Education and Skills Act 2008 for which she was sentenced to a community order for 120 hours unpaid work requirement, £1000 costs and £85 victim surcharge.
2. On or around 23rd August 2021 and at the Westminster Magistrates' Court she was convicted for conducting an unregistered independent educational institution between 8th September 2019 and 3rd March 2020 contrary to Section 96(2) of the Education and Skills Act 2008.
3. On or around 11th October 2021 and at the Westminster Magistrates' Court she was found to have failed without reasonable excuse (by having failed to provide medical evidence for non-attendance for unpaid work) to comply with the requirements of the community order imposed for your conviction at Allegation 1 and, in accordance with the Criminal Justice Act 2003 Schedule 8, that community order was revoked and she was sentenced in respect of her conviction at Allegation 2 and re-sentenced with regard of her conviction at Allegation 1 to 8 weeks imprisonment (suspended for 12 months), a 10 day rehabilitation activity requirement, a prohibited activity requirement not to take charge or have managerial responsibility for a school for 12 months, a 120 hour unpaid work requirement, £500 costs and £122 victim surcharge.

In the absence of a response from the teacher, the allegations are not admitted.

Preliminary applications

Proceeding in Absence

The panel considered whether this hearing should continue in the absence of the teacher. Initially, the panel sought clarification that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"), as the notice of proceedings was sent to Miss Ali via email and there was no evidence within the bundle that Miss Ali had requested that the documents be served via email. The TRA subsequently provided email correspondence from the TRA's representative to the TRA dated 10 September 2020, confirming that Miss Ali had

requested to be contacted only via email. This correspondence set out Miss Ali's email address. The panel noted that the notice of proceedings was sent to this same email address and were satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Regulations.

The panel was also satisfied that the notice of proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took its starting point the principle from *R v Jones* [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

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

- i) The panel noted that Miss Ali had corresponded with the TRA's representatives via the same email address on a number of occasions; the most recent occasion being 22 August 2022. The panel also heard evidence from the presenting officer that enquiries had been made to trace the teacher's address during 2020 and had sight of email correspondence dated 10 September 2020, where the TRA's representative stated that Miss Ali confirmed her address but requested to be contacted only via email. The panel noted that the hearing was previously adjourned on 2 occasions and was satisfied that the teacher was aware of the proceedings, having previously corresponded with the TRA's representatives. The panel therefore considered that the teacher had adequate opportunity to receive and respond to the notice of proceedings and had chosen to waive her right to be present at the hearing in the knowledge of when and where the hearing was taking place.
- ii) The panel considered whether an adjournment may result in Miss Ali attending the hearing voluntarily. Given as the hearing was postponed on 2 previous occasions, the panel thought it unlikely that Miss Ali would voluntarily attend. There was no evidence that Miss Ali cooperated with the TRA's process on previous occasions, although she responded sporadically with the TRA's legal representatives. There was no indication that Miss Ali wished to postpone to obtain legal representation.

- iii) The panel had the benefit of limited previous representations made by the teacher and was able to ascertain the lines of defence in response to a previous notice of proceedings. The panel was 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.
- iv) The panel noted that Miss Ali did not respond to the notice of proceedings, sent via email on 4 October 2022. The panel noted that Miss Ali had on previous occasions given reasons as to why she had not been able to engage (i.e. due to medical conditions). The panel noted that there was no reason as to why Miss Ali could not have explained a reason for her absence during this hearing.
- v) The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vi) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The panel noted that the hearing was previously postponed on 2 occasions.
- vii) The panel noted that there are no witnesses to be called, and therefore the effect of delay on the memories of witnesses is not a factor to be taken into consideration in this case.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that by taking such measures referred to above to address any unfairness insofar as is possible, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Jurisdiction

The panel considered as a preliminary point whether the panel had jurisdiction to consider the case.

It was unclear to the panel whether Miss Ali fell under the TRA's disciplinary regime, based on the evidence before them and noted the ambiguity around the teaching status of Miss Ali.

The panel was directed to paragraph 7 of the Regulations which states that a professional conduct panel must consider cases referred to it by the Secretary of State. Paragraph 5 of the Regulations is the provision that covers the referral by the Secretary of State to the panel, and cases only fall under the consideration of the Secretary of State if they involve a teacher.

A teacher is defined in paragraph 2 of the Regulations as a person who is employed or engaged to carry out teaching work at a) a school in England; b) a sixth form college in

England; c) relevant youth accommodation in England; d) a children's home in England; or e) when s53 of the Education Act 2011 is fully in force, a 16 to 19 Academy.

Teaching work is defined in paragraph 3 of the Regulations as a) planning and preparing lessons and courses for pupils; b) delivering lessons to pupils; assessing the development, progress and attainment of pupils; and c) reporting on the development, progress and attainment of pupils. Delivering includes delivering lessons through distance learning or computer aided techniques. These activities specified are not teaching work for the purposes of the Regulations, if the person carrying out the activity does so (other than for the purposes of induction), subject to the direction and supervision of a qualified teacher, or other person nominated by the headteacher to provide such direction and supervision.

The panel considered as a question of fact whether Miss Ali was a teacher within the definition of the Regulations and that it was for TRA to prove on the balance of probabilities.

The panel considered whether the phrase "is employed or engaged to carry on teaching work" within section 141A of the Education Act 2011 and paragraph 2 of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations"), encompasses the situation in this case. The panel was advised that s141B allows the Secretary of State to investigate a case where an allegation is referred to the Secretary of State that a person meeting the definition within s141A - a) may be guilty of unacceptable professional conduct or conduct that may bring the teaching profession into disrepute, or b) has been convicted (at any time) of a relevant offence.

The panel was advised to consider the words used in section 141A and regulation 2 in the context of the enactment as a whole.

The panel considered whether it was of the view that the legal meaning of the phrase "is employed or engaged to carry out teaching work" was plain and unequivocal.

The panel's attention was drawn to the decision of the High Court in *Zebaida v Secretary of State for Education* [2016] EWHC 1181, a conviction case. This stated that a common sense and plain reading of the legislation allows for referral to the Secretary of State of a person who is employed or engaged in teaching (whenever the conduct giving rise to concern takes place) or who was so employed or engaged at the time the conduct complained of takes place or comes to light.

The panel noted that section 463 of the Education Act 1996 sets out the definition for independent schools. It is defined as any school at which full-time education is provided for 5 or more pupils of compulsory school age, or for one or more such pupils with an education, health and care (EHC) plan or a statement of special educational needs or who is "looked after" by a local authority, and is not a school maintained by a local authority or a non-maintained special school.

The panel considered that Miss Ali would fall within the definition of teacher. The panel agreed with the presenting officer, in that an independent school would fall under the definition as 'employed or engaged to carry out teaching work at a school in England'. The panel had sight of the memorandum of conviction setting out the details of Miss Ali's offence i.e. conducting an unregistered independent educational institution.

The panel noted that Miss Ali was engaged as a headteacher at Ambassadors High School at the time the conduct complained of came to light. The panel was also provided with Miss Ali's teaching reference number by the presenting officer during the course of the hearing. The panel concluded that the TRA did have jurisdiction to proceed with this case.

The panel therefore decided on the balance of probabilities that there was sufficient information before it at this time that Miss Ali is a teacher within the definition of paragraph 2 of the Regulations in order to proceed with this case today.

Summary of evidence

Documents

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

Section 1: Notice of proceedings – pages 2 to 13

Section 2: Correspondence – pages 15 to 47

Section 3: Chronology – pages 49 to 50

Section 4: Teaching Regulation Agency documents – pages 52 to 158

Section 5: Teacher documents – pages 160 to 162

In addition, the panel agreed to accept the following:

- Email correspondence dated 10 September 2020 from the TRA's legal representative to the TRA confirming Miss Ali's request to be contacted via email – pages 163 to 164

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

Witnesses

No witnesses were called to give evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 8 December 2016, an application to register Ambassadors High School (“the School”) was received by the Department for Education (“DfE”). As the School appeared to be already operating as a school, prior to registration, the DfE advised Ofsted of their concern. Ofsted undertook a pre-registration inspection on 7 March 2017. It was established that although there was insufficient evidence to prove that the School was operating unlawfully, it was also unlikely to be able to meet the Independent School Standards necessary for registration.

On 20 December 2017, Ofsted received information that the School was operating illegally. A Section 97 inspection was carried out on 23 January 2018. The School’s address was no longer occupied. Information indicated that the School had changed address and changed to a different name, Ambassadors High School (London) Limited.

On 19 June 2018, a Section 97 inspection was carried out by Ofsted where a caution was read and warning notice was issued to the headteacher (Miss Ali) and the proprietor. It was believed that the institution was operating as a school by the DfE guidance, rather than elective home education and therefore required registration with Ofsted as a school. There was evidence of nursery school age children being cared for on site, which would constitute a separate criminal offence for unregistered child care.

On 26 June 2018, the Early Years remit of Ofsted opened a separate investigation into the unregistered child care offence.

On 3 July 2018, the Local Authority were refused entry by staff at the School to check on safeguarding.

On 11 July 2018, Ofsted attended the School’s premises to undertake a Section 97 inspection under the Education and Skills Act 2008 (“the Act”), however the School appeared to be closed. A parent confirmed that the children had gone on a school trip.

Ofsted carried out a Section 97 inspection on 18 July 2018 where a caution was read and warning notice was issued to the headteacher (Miss Ali) and the proprietor. An Ofsted Early Years Regulatory Inspector also cautioned Miss Ali as part of the investigation into the separate unregistered child care offence. Following the second Section 97 inspection, Miss Ali was invited to attend a voluntary suspect interview under PACE provisions. After a number of attempts to arrange her attendance at a PACE interview, Miss Ali decided not to attend.

On 12 September 2019, Miss Ali was found guilty at the Westminster Magistrates’ Court for conducting an unregistered independent educational institution between 5 January

2018 and 19 July 2018 contrary to Section 96(2) of the Act for which she was sentenced to a community order for 120 hours unpaid work requirement, £1000 costs and £85 victim surcharge.

On 14 November 2019, a document was filed at Companies House showing that Ambassadors High School (London) Limited had changed its name to Ambassadors Home School Limited.

Following the conviction of Ms Ali, and learning that the School had continued to operate, Ofsted carried out further inspections of the establishment under Section 97 of the Act. On 28 November 2019, Miss Ali was cautioned and a warning issue was issued for conducting unregistered independent educational institution. Further investigations were carried out by Ofsted on 9 December 2019 and 2 March 2020 where further warning notices were issued.

On 23 August 2021 and at the Westminster Magistrates' Court Miss Ali was convicted for conducting an unregistered independent educational institution between 8 September 2019 and 3 March 2020 contrary to Section 96(2) of the Act.

On 11 October 2021, at the Westminster Magistrates' Court Miss Ali was found to have failed without reasonable excuse to comply with the requirements of the community order made by Westminster Magistrates' Court on 16 September 2019. In accordance with the Criminal Justice Act 2003 Schedule 8, the community order was revoked and Miss Ali was sentenced in respect of her second conviction and re-sentenced with regard to her first conviction to 8 weeks imprisonment (suspended for 12 months), a 10 day rehabilitation activity requirement, a prohibited activity requirement not to take charge or have managerial responsibility for a school for 12 months, a 120 hour unpaid work requirement, £500 costs and £122 victim surcharge.

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:

- 1. On or around 12th September 2019 and at Westminster Magistrates' Court you were convicted by the Chief magistrate of England and Wales for conducting an unregistered independent educational institution between 5th January 2018 and 19th July 2018 contrary to Section 96(2) of the Education and Skills Act 2008 for which you were sentenced to a community order for 120 hours unpaid work requirement, £1000 costs and £85 victim surcharge.**

The panel had sight of the evidence forms from the Ofsted inspections dated 19 June 2018 and 18 July 2018 and the judgment dated 12 September 2019, where the

Senior District Judge found Miss Ali guilty of conducting an unregistered independent educational institution between 5 January 2018 and 19 July 2018 contrary to Section 96(2) of the Education and Skills Act 2008.

The panel also reviewed a memorandum of an entry entered in the register of the Central London Magistrates' Court dated 16 September 2019 setting out the guilty verdict and Miss Ali's sentence to a community order for 120 hours unpaid work requirement, £1000 costs and £85 victim surcharge.

The panel found allegation 1 proved.

2. On or around 23rd August 2021 and at the Westminster Magistrates' Court you were convicted for conducting an unregistered independent educational institution between 8th September 2019 and 3rd March 2020 contrary to Section 96(2) of the Education and Skills Act 2008.

The panel had sight of a memorandum of an entry entered in the register of the Central London Magistrates' Court dated 11 October 2021 setting out that between 8 September 2019 and 3 March 2020 Miss Ali conducted an unregistered independent educational institution, contrary to Section 96(1) and (2) and Section 135(1) of the Education and Skills Act 2008. The panel noted that Miss Ali changed her plea from not guilty, to guilty on 23 August 2021.

The panel found allegation 2 proved.

3. On or around 11th October 2021 and at the Westminster Magistrates' Court you were found to have failed without reasonable excuse (by having failed to provide medical evidence for non-attendance for unpaid work) to comply with the requirements of the community order imposed for your conviction at Allegation 1 and, in accordance with the Criminal Justice Act 2003 Schedule 8, that community order was revoked and you were sentenced in respect of your conviction at Allegation 2 and re-sentenced with regard to your conviction at Allegation 1 to 8 weeks imprisonment (suspended for 12 months), a 10 day rehabilitation activity requirement, a prohibited activity requirement not to take charge or have managerial responsibility for a school for 12 months, a 120 hour unpaid work requirement, £500 costs and £122 victim surcharge.

The panel had sight of a memorandum of an entry entered in the register of the Central London Magistrates' Court dated 11 October 2021. The memorandum stated that Miss Ali failed without reasonable excuse to comply with the requirements of a community order made by Westminster Magistrates Court on 16 September 2019 by failing to provide medical evidence in respect of a lack of attendance to carry out unpaid work in accordance with Part 2 of Schedule 8 of the Criminal Justice Act 2003 for her conviction as set out in allegation 1 above.

The panel noted that Miss Ali's community order was revoked and she was sentenced in respect of her conviction at Allegation 2 and re-sentenced with regard to her conviction at Allegation 1 to 8 weeks imprisonment, suspended for 12 months. Miss Ali was required to participate in a 10 day rehabilitation activity and received a prohibited activity requirement not to take charge or have managerial responsibility for a school for 12 months. She was also required to carry out 120 hours of unpaid work and was ordered to pay £500 costs and a victim surcharge of £122.

The panel found allegation 3 proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found all 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 Miss Ali, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss Ali 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Miss Ali, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Miss Ali failed to provide a safe environment in which children can learn.

The panel was satisfied that the conduct of Miss Ali in relation to the facts found proved, involved breaches of Working Together to Safeguard Children as everyone who works with children has a responsibility for keeping them safe. The panel considered that Miss Ali's conduct had the potential to seriously impact her safeguarding responsibilities. The panel noted Miss Ali's lack of regard for the statutory frameworks, regulatory bodies and peer reviews. The panel noted Miss Ali's lack of insight into the wider professional duties and conduct expected of a teacher, as evidenced by her comments *"being convicted of running an illegal school does not make me unfit to be a teacher"*.

The panel was satisfied that the conduct of Miss Ali fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Miss Ali's conviction that led to a suspended prison sentence displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel noted that the advice is not intended to be exhaustive and there may be other offences that panels consider to be to be "unacceptable professional conduct". Whilst the offence of being convicted an unregistered school is not listed on page 12 to 13 of the advice, the panel still considered the offence to be unacceptable professional conduct given the serious failure to comply legislation and statutory frameworks. The panel noted the fact that Miss Ali committed the same offence on 2 separate occasions, which demonstrated her sheer lack of understanding of, or willingness to comply with her safeguarding and professional duties.

Accordingly, the panel was satisfied that Miss Ali was guilty of unacceptable professional conduct.

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

The panel also considered whether Miss Ali's conviction that led to a suspended prison sentence displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel noted that the advice is not intended to be exhaustive and there may be other offences that panels consider to be to be "conduct that may bring the profession into disrepute". Whilst the offence of being convicted an unregistered school is not listed on page 12 to 13 of the advice, the panel still considered the offence to be conduct that may bring the profession into disrepute given the serious failure to comply legislation and

statutory frameworks, causing reputational damage to the public's perception of a teacher.

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

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Miss Ali's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

The panel was satisfied that the conduct of Miss Ali, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Miss Ali 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting as she was convicted for conducting an unregistered independent educational institution on two separate occasions. The panel noted Miss Ali's serious breaches of safeguarding by running an unregistered independent school. The panel also noted Miss Ali's lack of regard and willingness to comply with legislation and statutory frameworks.

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

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Miss Ali's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Miss Ali was allowed to continue teaching.

The panel noted that Miss Ali's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

The panel noted that the advice is not intended to be exhaustive and there may be other offences that panels consider to be “a relevant offence”. Whilst the offence of being convicted an unregistered school is not listed on page 12 to 13 of the advice, the panel still considered the offences to be relevant as they concern serious breaches of legislation and statutory frameworks. The panel noted that Miss Ali was found guilty of conducting an unregistered school on 2 separate occasions where she was sentenced to imprisonment for 8 weeks (albeit suspended). This sentence imposed indicates the gravity of such offences.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Miss Ali’s fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel’s recommendation to the Secretary of State

Given the panel’s findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Miss Ali and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

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

In the light of the panel’s findings against Miss Ali, which involved findings of a relevant offence and a sheer lack of regard and limited understanding to always act within statutory frameworks, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings in being convicted of conducting an unregistered educational institution, breaching legislation and statutory frameworks.

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

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

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)
- 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)
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

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

There was evidence to suggest that Miss Ali's actions were deliberate. The panel noted that Miss Ali had received a number of cautions and warnings from Ofsted due to a belief that Miss Ali was conducting an unregistered education institution. Miss Ali verbally

acknowledged the warnings and appeared to agree to be bound by the cautions. The panel also noted Miss Ali's repeated conduct when convicted on 2 separate occasions for the same offence for conducting an unregistered education establishment.

There was no evidence to suggest that Miss Ali was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Miss Ali's actions to be calculated.

There was no evidence before the panel that Miss Ali had a previously good employment history from previous employers. Miss Ali stated in a letter dated 1 October 2020 to the TRA's legal representatives that she had *"been a teacher for 19 years"* and *"always provided a good and outstanding work ethic"*. She stated that three Ofsted observations were carried out in a previous role and all were *"ranked from being good to outstanding"*. This was not corroborated by any evidence seen by the panel.

The panel did not see any evidence of character statements attesting to Miss Ali's ability as a teacher.

The panel did not consider that Miss Ali showed any insight or remorse for her conduct. In fact, the panel noted Miss Ali's sheer lack of insight or understanding as to the gravity of committing serious offences. Miss Ali stated, in a letter to the TRA's representative dated 1 October 2020, that *"being convicted of running an illegal school does not make me unfit to be a teacher."* The panel considered that this statement demonstrated her lack of understanding to always act within the statutory frameworks which set out a teacher's professional duties and responsibilities, in particular, the teaching standards.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss Ali 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 Miss Ali. Miss Ali's failure to comply with legislation and statutory frameworks setting out her professional duties were significant factors in forming that opinion. The panel noted that the Ofsted inspectors had clearly set out the necessary actions to take in order to comply with regulations of which Miss Ali failed to do. Miss Ali was convicted of a serious criminal offence for conducting an unregistered school contrary to legislation and obtained an 8 week suspended prison sentence. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. This is not an exhaustive list and panels should consider each case on its individual merits taking into account all the circumstances involved.

The panel found that whilst Miss Ali's conduct was not listed in the Advice, the panel considered the gravity and seriousness of Miss Ali's convictions for conducting an unregistered school. The panel noted Miss Ali's lack of regard for not only failing to comply with her duties as a teacher, but her failure to engage with Ofsted inspectors when they issued her with a number of cautions, warnings and professional guidance. Additionally, Miss Ali failed to abide by necessary safeguarding checks in conjunction with the local authority. The panel was concerned to find her staff refused to allow officers from the local authority to discharge their statutory safeguarding duties in relation to the School. After Miss Ali received her first conviction, she failed to comply with the community service order and carried on conducting an unregistered educational institution, to which she was sentenced to an 8 week suspended prison sentence. The panel noted its concerns in respect of Miss Ali's failure and disregard for statutory requirements, professional duties and sentencing conditions.

The panel noted that Miss Ali provided no evidence to demonstrate any remorse for her conduct. Further, the panel noted that Miss Ali provided no evidence to demonstrate insight in respect of the serious safeguarding risk to pupils attending an unregistered school without the requisite standards. Miss Ali stated in a letter to the TRA's legal representative dated 1 October 2020 that *"not once have I not understood my responsibilities as an educator which will bring shame to this noble profession."* The panel noted that this statement demonstrated Miss Ali's disregard for her professional duties beyond part 1 of the teaching standards. The lack of insight for part 2 of the teaching standards was evident. She could not identify how conducting an unregistered school was contrary to all safeguarding and professional duties.

The panel expressed its concern in relation to the risk of Miss Ali repeating this conduct in the future, given that there was evidence of her repeatedly ignoring statutory frameworks and the fact she has been convicted twice for the same offence.

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 provision 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and a relevant conviction.

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

In particular, the panel has found that Miss Nadia Ali 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Miss Ali, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Miss Ali failed to provide a safe environment in which children can learn."

The panel was also, "satisfied that the conduct of Miss Ali in relation to the facts found proved, involved breaches of Working Together to Safeguard Children as everyone who works with children has a responsibility for keeping them safe."

The findings of misconduct are particularly serious as they include a finding of, "conducting an unregistered independent educational institution".

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 Miss Ali, 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 protect children and safeguard pupils. The panel has observed, “The panel was satisfied that the conduct of Miss Ali in relation to the facts found proved, involved breaches of Working Together to Safeguard Children as everyone who works with children has a responsibility for keeping them safe. The panel considered that Miss Ali’s conduct had the potential to seriously impact her safeguarding responsibilities. The panel noted Miss Ali’s lack of regard for the statutory frameworks, regulatory bodies and peer reviews.” 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 did not consider that Miss Ali showed any insight or remorse for her conduct. In fact, the panel noted Miss Ali’s sheer lack of insight or understanding as to the gravity of committing serious offences. Miss Ali stated, in a letter to the TRA’s representative dated 1 October 2020, that *“being convicted of running an illegal school does not make me unfit to be a teacher.”* The panel considered that this statement demonstrated her lack of understanding to always act within the statutory frameworks which set out a teacher’s professional duties and responsibilities, in particular, the teaching standards.”

In my judgement, the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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 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.”

I am particularly mindful of the findings in this case and the impact that such findings have 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, conduct likely to bring the profession into disrepute and the finding of a relevant

conviction 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 Miss Ali herself. The panel comment “There was no evidence before the panel that Miss Ali had a previously good employment history from previous employers. Miss Ali stated in a letter dated 1 October 2020 to the TRA’s legal representatives that she had *“been a teacher for 19 years”* and *“always provided a good and outstanding work ethic”*. She stated that three Ofsted observations were carried out in a previous role and all were *“ranked from being good to outstanding”*. This was not corroborated by any evidence seen by the panel.”

A prohibition order would prevent Miss Ali 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, “The panel noted its concerns in respect of Miss Ali’s failure and disregard for statutory requirements, professional duties and sentencing conditions.”

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Ali 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 full 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 panel noted that this statement demonstrated Miss Ali’s disregard for her professional duties beyond part 1 of the teaching standards. The lack of insight for part 2 of the teaching standards was evident. She could not identify how conducting an unregistered school was contrary to all safeguarding and professional duties.”

The panel also, “expressed its concern in relation to the risk of Miss Ali repeating this conduct in the future, given that there was evidence of her repeatedly ignoring statutory frameworks and the fact she has been convicted twice for the same offence.”

I have considered whether not allowing a 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 which mean that not allowing a review period is necessary to achieve the aim of maintaining public confidence in the profession are the serious nature of the misconduct 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 Miss Nadia Ali is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Miss Nadia Ali 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.

Miss Nadia Ali has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 14 December 2022

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