



Teaching
Regulation
Agency

Mr Ifzal Hussain: Professional conduct panel outcome

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

May 2023

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

Teacher:	Mr Ifzal Hussain
Teacher ref number:	1144843
Teacher date of birth:	24 June 1988
TRA reference:	20458
Date of determination:	17 May 2023
Former employer:	Cheadle Academy, Stoke on Trent

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 16 to 17 May 2023 by way of a virtual hearing, to consider the case of Mr Ifzal Hussain.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mr Adnan Qureshi (lay panellist) and Ms Jo Palmer-Tweed (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Mr Hussain was present and was not represented.

The hearing took place by way of a virtual hearing in public (save for parts which were heard in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 1 March 2023:

It was alleged that Mr Hussain was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a teacher at The Cheadle Academy:

1. On or around, 29 September 2021 whilst in an online chatroom he engaged in inappropriate communications where he discussed carrying out the abuse of children.
2. His conduct at paragraph 1 was sexually motivated.

Preliminary applications

Application to amend allegation 2

The presenting officer made an application to amend allegation 2 from “*Your conduct at paragraph 1 was sexually motivated*” to “*Your conduct at paragraph 1 was of a sexual nature*”.

The presenting officer submitted that there was a typographical error in respect of the allegation wording; it should have referred to a “sexual nature” rather than “sexual motivation”.

The presenting officer explained that the original allegation wording did refer to conduct of a sexual nature, but this was later changed to “sexual motivation” in error. The presenting officer referred to the High Court’s decision in the case of *General Medical Council v Haris [2020] EHC 2518*, in which Mrs Justice Foster commented that pleading “sexual motivation” is unhelpful and, instead, the question should be whether the conduct is sexual or of a sexual nature.

Mr Hussain objected to the application to amend allegation 2 on the basis that: (a) he disputed that his conduct was sexually motivated; (b) if the allegations remained as drafted he considered he would be in a better position to defend himself; and (c) he felt the allegation was being changed in an attempt to make it easier for it to be found proven.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the Teaching misconduct: Disciplinary procedures for the teaching profession May 2020 (‘the Procedures’).

The panel was not persuaded that the proposed amendment was to correct a typographical error. Whilst the panel acknowledged that the proposed change would not

fundamentally alter the allegations before it, it did consider that the proposed amendment changed the nature and scope of allegation 2.

The panel was mindful that Mr Hussain was unrepresented and had prepared for the hearing based upon the allegations contained within the notice of proceedings. The panel was of the view that granting the presenting officer's application would put Mr Hussain at a disadvantage in that it appeared he did not fully understand the application until it was explained to him at the hearing. This meant that he would not have sufficient time to consider the impact of the change and prepare his case. The panel considered that there would be unfairness and/or prejudice to Mr Hussain if it granted the application. Accordingly, the panel did not grant the application to amend allegation 2 and considered the allegations contained within the notice of proceedings, as set out above.

Application for part of the hearing to be heard in private

The panel considered an application from Mr Hussain that any evidence relating to his immediate family and/or personal matters should be heard in private.

The presenting officer did not object to the application.

The panel was satisfied that evidence relating to Mr Hussain's private life could be heard in private on the basis that there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 3 to 4
- Section 2: Notice of hearing and response – pages 5 to 11
- Section 3: TRA witness statements – pages 12 to 16
- Section 4: TRA documents – pages 17 to 94
- Section 5: Teacher documents – none provided

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

Witnesses

The panel heard oral evidence from Mr Hussain.

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 Hussain commenced employment at the Cheadle Academy ('the School') on 1 September 2012.

On 29 September 2021, Mr Hussain allegedly sent messages in an online chatroom and discussed carrying out the abuse of children. The National Crime Agency reported the chatroom discussion to the police on or around 29 or 30 September 2021. The police arrested Mr Hussain on 30 September 2021.

Mr Hussain was suspended from his role at the School on 1 October 2021. The School conducted an investigation and interviewed Mr Hussain on 19 October 2021.

A disciplinary hearing took place on 15 November 2021, although Mr Hussain did not attend the hearing. Mr Hussain's employment with the School came to an end on 15 November 2021, and the matter was referred to the TRA on 14 December 2021.

On 4 July 2022, the police informed the TRA that they were not taking any further action in respect of the matter.

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, 29 September 2021 whilst in an online chatroom you engaged in inappropriate communications where you discussed carrying out the abuse of children.**

Mr Hussain admitted that, on or around 29 September 2021, he engaged in discussions in an online chatroom. However, he denied that he discussed carrying out the abuse of children. The panel proceeded on the basis that Mr Hussain denied allegation 1.

The panel was provided with a witness statement from [REDACTED]. [REDACTED] explained that, on 30 September 2021, the police attended the School and arrested Mr

Hussain. [REDACTED] understood that Mr Hussain's arrest was based on a report from the National Crime Agency.

The bundle of documents before the panel contained email correspondence between the Police Child Protection and Exploitation Team and Staffordshire LADO. The correspondence indicated that, following receipt of intelligence, the police had identified a user on an online chatroom, "*Fab Swingers*", who described themselves as a "[REDACTED] and when the urge takes them, they like to also play sexually with children and have sex in front of them". The correspondence stated that the user associated with the account was Mr Hussain. The correspondence also stated that, during Mr Hussain's police interview, he "*fully admitted to engaging in sexual chat online which centred around the abuse of children and his particular interest in it.*" It further stated that Mr Hussain denied having a "*sexual interest in children*" and that he engaged in the chat, as a means to "*gain attention*".

The bundle contained the messages exchanged between Mr Hussain and another user on the Fab Swingers chatroom and on a messaging application, Wickr. The messages began on Fab Swingers and then moved to Wickr. Initially, the conversation was about practising nudism [REDACTED]. It moved on to talking about the other user having two daughters and not having a son. It eventually progressed into a discussion about touching children sexually and having sexual intercourse in front of children. The panel noted the following messages sent by the account associated with Mr Hussain:

- "*Looking to chat as we are a young nudist [REDACTED]. Love all sorts of tab fun*" (during the course of the hearing Mr Hussain explained that "tab" meant "taboo").
- When asked whether being naked with [REDACTED] turned him on, he stated: "*We love being naked... it does turn us on especially when your [sic] horny and seeing everyone naked.*"
- "*Shame you dont [sic] have a boy their little penis [sic] are adorable.*"
- When the other user expresses a desire to stroke a child's penis, he appeared to encourage this by suggesting ways she could arrange for a friend's child to come to her house: "*You should invite them over for a sleep over... Then give them a bath together... You could just mention say the girls want to have a sleep over with him... Or offer to baby sit him.*"
- "*It was noce [sic] being naked around everyone... but not everyone into playing with their kids.*"
- When asked whether being nudist was a sexual thing for him or not, he said: "*Abit [sic] of both... we enjoy being naked...but if it feel [sic] right to play we do*"
- "*Me and the [REDACTED] enjoy fucking infront [sic] [REDACTED]*"

- When discussing the children ‘exploring’ and when asked whether [REDACTED] ‘play’ with each other he said: *“They do... They like have a baths together [sic]... Sometimes in the mornings find them cuddled up in the same bed.”* He then asked the other user: *“Do your girls play with each other”*
- *“She also enjoys stroking [child’s name redacted] penis”*
- When discussing meeting up with the other user he stated: *“All you girls can have a play with him [a male child]... show [child’s name redacted] her first penis...”*

Mr Hussain gave oral evidence at the hearing. He told the panel that, as a child, he had experienced several traumatic events including: [REDACTED]. He explained that, at the time of the allegations, he had not dealt with or sought help for these issues and he had kept what had happened to himself. He considered that these issues caused him to act in the way he did.

Mr Hussain explained that he began creating profiles online to get attention and speak to people. The websites were for adults aged over 18 years old. He said that he was not getting sufficient attention so he decided to be more provocative to get a response from people. This resulted in him creating a profile purporting to be a nudist [REDACTED]. Mr Hussain did not deny that he had sent the messages described above. He explained that the other user he was talking to turned out to be part of a police ‘sting’ operation. He also said that, in reality, his profile and the things he said about [REDACTED] were untrue. He said that he was saying things [REDACTED]; he did not see the chat as speaking about child abuse.

The panel was not persuaded by the explanation Mr Hussain provided. It was clear from the content of the messages that the communication between Mr Hussain and the other user was inappropriate in nature and amounted to discussing carrying out the abuse of children. The messages explicitly referred to touching children, having sexual intercourse in front of them and, at one point, Mr Hussain appeared to make suggestions as to how the other user might be able to abuse a child by arranging a sleepover and bathing children together.

On examination of the evidence before it and on the balance of probabilities, the panel found allegation 1 proven.

2. Your conduct at paragraph 1 was sexually motivated.

Mr Hussain denied allegation 2. He denied that his conduct was in any way sexually motivated and he denied that it was done in pursuit of sexual gratification or a sexual relationship.

He said that he was initially attracted to the swinger’s forum for sexual reasons but that his motivation then changed. He explained that the majority of people on the site were

'fake profiles' and he simply went along with the chat. [REDACTED], and he was trying to get attention. He accepted he should have sought help earlier and became emotional whilst giving evidence.

The panel's attention was drawn to *section 78 Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted guidance from *Basson* that: *"A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship"*. It also noted *Haris*, in which the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

"in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual[...]"

"Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading 'sexual motivation' is unhelpful. Similarly to look for 'sexual gratification' may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually 'gratified' at all – whether before, after or during the act in question. Gratification, as with 'pursuit of a relationship' are, pace the analysis of Mostyn J in Basson, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law".

"Had the touching been pleaded as being 'sexual' and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident[...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual".

In light of the decision in *Haris*, the panel was not persuaded by the explanation Mr Hussain provided. The messages Mr Hussain exchanged with the other user were overtly sexual in nature; from the outset of their conversation they discussed being naked and quickly moved on to discuss sexual acts and touching or 'playing' with children. Furthermore, the initial messages were exchanged on Fab Swingers which, as a swinger's chat room, has clear sexual connotations.

In the panel's view, it was more likely than not that Mr Hussain had joined the swinger's chat room and engaged in the conversation on or around 29 September 2021 for his own sexual gratification and/or to pursue a sexual relationship. The messages explicitly referred to touching or 'playing' with children, having sexual intercourse in front of them

and, at one point, Mr Hussain appeared to make suggestions as to how the other user might be able to abuse a child by arranging a sleepover and bathing children together. The panel was of the view that there was no other credible reason for Mr Hussain's conduct and it therefore concluded that his conduct as described at allegation 1 was sexually motivated.

On examination of the evidence before it and on the balance of probabilities, the panel found allegation 2 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of the 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 Hussain, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hussain 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 Mr Hussain's conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel noted that the conduct took place outside of the education setting. However, the panel was satisfied that it was relevant to Mr Hussain's profession; as a teacher he was responsible for safeguarding pupils yet he had engaged in a discussion about carrying out the abuse of children. The panel was satisfied that this would have affected the way he fulfilled his teaching role.

There was no doubt in the panel's mind that engaging in inappropriate and sexually motivated communications about child abuse constituted serious misconduct.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Hussain's status as a teacher, potentially damaging the public perception. The public would not expect a teacher to engage in inappropriate and sexually motivated communications about child abuse.

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

Having found the facts of allegations 1 and 2 proved, the panel further found that Mr Hussain'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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Mr Hussain involved engaging in inappropriate and sexually motivated communications about child abuse. There was therefore a strong public interest consideration in respect of the protection of pupils and members of the public.

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

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Hussain. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Hussain. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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

The panel concluded that Mr Hussain's actions were deliberate; he deliberately sent messages that were inappropriate, sexually motivated and discussed child abuse.

There was no evidence to suggest that Mr Hussain was acting under extreme duress.

No evidence was submitted to attest to Mr Hussain's history or ability as a teacher. No evidence was submitted which indicated that Mr Hussain demonstrated exceptionally high standards in personal and professional conduct, or that he had contributed significantly to the education sector.

Mr Hussain did not submit any mitigation evidence, although, as set out above, in oral evidence he told the panel about [REDACTED]. Whilst the panel acknowledged this evidence, it was not provided with any documentary evidence in respect of the impact these events had on Mr Hussain. For example, although Mr Hussain referred to receiving support from [REDACTED], no evidence was provided in this regard. In any event, the

panel did not consider that Mr Hussain's [REDACTED] excused or mitigated his serious misconduct.

In oral evidence Mr Hussain told the panel that he regretted his actions and that he was remorseful and, additionally, he regretted the impact on his family and the pupils he taught. However, the evidence he gave in this regard focussed primarily on the impact on him. The panel was particularly concerned that, during the online conversation, Mr Hussain appeared to suggest ways in which another person might be able to gain access to a child to abuse them. Whilst, thankfully, the person he was speaking to was part of a police 'sting' operation, Mr Hussain did not know this at the time and did not appear to appreciate the potentially serious implications of the things he had said during the conversation.

The panel was not satisfied that Mr Hussain demonstrated sufficient insight or remorse in respect of this matter, or that he understood the gravity of his misconduct.

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

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

The panel considered Mr Hussain's conduct to be at the more serious end of the spectrum of seriousness. As such, the panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Hussain.

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 panel considered the list of behaviours at paragraph 50 of the Advice. The Advice states that where a case involves such behaviours, it is likely that the public interest will have greater relevance and weight in favour of not offering a review period. On the basis that Mr Hussain's actions were sexually motivated and had the potential to result in harm to children, the panel found the following to be relevant:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons particularly where the individual has used their professional position to influence or exploit a person or persons

The panel decided that the findings indicated a situation in which a review period would not be appropriate; the misconduct was very serious and the panel considered that, in light of the public interest, it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found 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.

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

In particular, the panel has found that Mr Hussain 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 finds that the conduct of Mr Hussain fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of engaging in inappropriate and sexually motivated communications about child abuse.

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 Hussain, 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/safeguard pupils. The panel has observed, "The panel noted that the conduct took place outside of the education setting. However, the panel was satisfied that it was relevant to Mr Hussain's profession; as a teacher he was responsible for safeguarding pupils yet he had engaged in a discussion about carrying out the abuse of children. The panel was satisfied that this would have affected the way he fulfilled his teaching role." 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, "In oral evidence Mr Hussain told the panel that he regretted his actions and that he was remorseful and, additionally, he regretted the impact on his family and the pupils he taught. However, the evidence he gave in this regard focussed primarily on the impact on him. The panel was particularly concerned that, during the online conversation, Mr Hussain appeared to suggest ways in which another person might be able to gain access to a child to abuse them. Whilst, thankfully, the person he was speaking to was part of a police 'sting' operation, Mr Hussain did not know this at the time and did not appear to appreciate the potentially serious implications of the things he had said during the conversation." In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk 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, "findings against Mr Hussain involved engaging in inappropriate and sexually motivated communications about child abuse. There was therefore a strong public interest consideration in respect of the protection of pupils and members of the public.

Similarly, the panel considered that "...public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hussain was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of inappropriate discussions about abusing children in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Hussain himself and the panel comment “No evidence was submitted to attest to Mr Hussain’s history or ability as a teacher. No evidence was submitted which indicated that Mr Hussain demonstrated exceptionally high standards in personal and professional conduct, or that he had contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, ““The panel was not satisfied that Mr Hussain demonstrated sufficient insight or remorse in respect of this matter, or that he understood the gravity of his misconduct.”

I have also placed considerable weight on the finding that “In the panel’s view, it was more likely than not that Mr Hussain had joined the swinger’s chat room and engaged in the conversation on or around 29 September 2021 for his own sexual gratification and/or to pursue a sexual relationship. The messages explicitly referred to touching or ‘playing’ with children, having sexual intercourse in front of them and, at one point, Mr Hussain appeared to make suggestions as to how the other user might be able to abuse a child by arranging a sleepover and bathing children together. The panel was of the view that there was no other credible reason for Mr Hussain’s conduct and it therefore concluded that his conduct as described at allegation 1 was sexually motivated”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hussain 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 serious 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 considered the list of behaviours at paragraph 50 of the Advice. The Advice states that where a case involves such behaviours, it is likely that the public interest will have greater relevance and weight in favour of not offering a review period. On the basis that Mr Hussain's actions were sexually motivated and had the potential to result in harm to children, the panel found the following to be relevant:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons particularly where the individual has used their professional position to influence or exploit a person or persons"

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings, involving discussions about child abuse and the lack of full insight and remorse.

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

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

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

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



Decision maker: Sarah Buxcey

Date: 22 May 2023

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