



National College for
Teaching & Leadership

Mrs Amena Nazam- Khan: Professional conduct panel outcome

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

June 2017

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	6
Documents	6
Witnesses	7
Decision and reasons	7
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Mrs Amena Nazam-Khan
Teacher ref number: 0782444
Teacher date of birth: 15 July 1981
NCTL case reference: 15260
Date of determination: 8 June 2017
Former employer: Tong High School, Bradford

Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 to 8 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Amena Nazam-Khan.

The panel members were Ms Gill Goodswen (former teacher panellist – in the chair), Mr Peter Cooper (teacher panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland International LLP.

The presenting officer for the National College was Ms Sarah Przybylska of 2 Hare Court Chambers, briefed by CMS LLP (formerly Nabarro LLP).

Mrs Amena Nazam-Khan 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 17 March 2017.

It was alleged that Mrs Amena Nazam-Khan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that she failed to maintain appropriate professional boundaries and/or appropriate professional standards whilst working as a teacher at Tong High School (the "School") in that:

1. In relation to Pupil A, she engaged in an inappropriate relationship with him, during the period January to October 2015, including but not limited to:
 - a. Giving him her personal contact details,
 - b. Inviting him to her home and/or allowing him to attend her home,
 - c. Communicating with him via telephone and/or mobile phone apps and/or social media and/or in person,
 - d. Sending communications (via the methods described at 1(c) above) which included matters of a personal nature and/or sexual nature,
 - e. Sending him explicit photographs including of a sexual nature,
 - f. Taking him to restaurants and/or buying him meals,
 - g. Buying him gifts including a Hugo Boss watch and/or a concert ticket,
 - h. Taking him to hotel rooms,
 - i. Engaging in a sexual relationship with him, including having sexual intercourse;
2. Her actions set out at 1 above were sexually motivated;
3. On 11 October 2015, she told Pupil A not to discuss the relationship with anyone, or words to that effect;
4. On a date or dates unknown she attempted to interfere with the School's disciplinary investigation into her relationship with Pupil A.

In the Statement of Agreed Facts signed on 5 January 2017, Mrs Nazam-Khan admitted the facts of allegations 1.a, 1.b, 1.c, 1.d, 1.e, 1.h, 1.i, 2 and 3 and that they amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Mrs Nazam-Khan denied allegations 1.f, 1.g and 4. Therefore, the case proceeded on a disputed basis.

Preliminary applications

Admission of documents

The panel considered an application by the presenting officer to admit additional documents into the bundle, some of these being documents submitted by the teachers.

The panel considered whether to exercise its discretion under paragraph 4.18. of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (“the Procedures”) to admit the documents which had not been submitted to the panel and the National College at least 4 weeks prior to the hearing. The panel noted that it may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel decided to admit the documents. The panel considered the matters raised in the documents to be relevant to the determination of the allegations and its determination of certain preliminary applications. Furthermore, the panel noted that there was no objections to the documents being submitted. On that basis, the panel considers it fair to admit these relevant documents.

Proceeding in absence

As Mrs Nazam-Khan were not present, the panel considered whether this hearing should continue in their absence.

The panel noted that the Notice of Proceedings was served on both teachers by DX on 17 March 2017 and that both teachers responded to the Notice of Proceedings. Therefore, having considered the factual evidence before it, the panel was satisfied that the National College complied with the service requirements of paragraph 19.a. to 19.c. of the Teachers’ Disciplinary (England) Regulations 2012 (“the Regulations”).

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11. and 4.12. of the 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 teachers.

The panel understood that its discretion to commence a hearing in the absence of a teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. The panel also understood the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

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

With regards to Mrs Nazam-Khan, the panel noted that she had more than 8 weeks' notice of the hearing date and in fact responded to the Notice of Proceedings on 11 April 2017. It was apparent to the panel that she was aware of these proceedings.

Furthermore, in an email from Mrs Nazam-Khan's representative dated 6 June 2017, it was indicated that neither Mrs Nazam-Khan nor her representative proposed to attend the hearing and that, "we have no objection to the hearing proceeding in our absence".

The panel therefore considered that the teachers have waived their right to be present at the hearing in the knowledge of when and where the hearing is taking place. Furthermore, there is no indication that an adjournment might result in the teachers attending the hearing.

The panel had regard to the extent of the disadvantage to the teachers in not being able to give their account of events, having regard to the nature of the evidence against them. However, the panel has the benefit of written representations made by both teachers and are able to ascertain the lines of defence put forward by each teacher. The panel has each teacher's evidence addressing mitigation and is able to take this into account at the relevant stage. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teachers account.

The panel has had regard to the seriousness of this case, and the potential consequences for the teachers and has accepted that fairness to the teachers is of prime importance. However, it considers that in light of their waiver of their right to appear; by taking such measures referred to above to address that 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.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and response – pages 7 to 20

Section 3: Statement of Agreed Facts – pages 23 to 279

Section 4: NCTL documents – pages 281 to 512

Section 5: Teacher documents – pages 515 to 530

In addition, the panel agreed to exercise its discretion afforded by the Procedures and admit the following documents into the evidence:

Section 6: Email and witness statement of Mrs Nazam-Khan – pages 531 to 536

Section 7: Personal statement of Individual A and response to Notice of Proceedings – pages 537 to 546

Section 8: Service bundle – Mrs Nazam-Khan – pages B1 to B29

Section 9: Email from Mrs Nazam-Khan's representative – pages C1 to C2

Section 10: Service bundle – Individual A – pages D1 to D36

Section 11: Email from Individual A's representative – pages E1 to E6

Section 12: Further documents from Mrs Nazam-Khan – pages F1 to F10

Section 13: Email from Individual A's representative – pages G1 to G4

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

Witnesses

The panel did not hear any oral 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.

The panel confirmed that they read all the documents provided in the bundle in advance of the hearing.

Mrs Nazam-Khan had been employed at Tong High School (“the School”) from 1 September 2009.

Mrs Nazam-Khan engaged in a relationship with Pupil A from January 2015 to October 2015. On 14 August 2015, following receipt of an anonymous email, she was suspended from the School.

The School initiated an investigation into the allegations involving Mrs Nazam-Khan and Pupil A. As part of that investigation, Individual A was interviewed on 28 September 2015.

Mrs Nazam-Khan was also interviewed as was Pupil A. On 11 October 2015, Mrs Nazam-Khan told Pupil A not to discuss their relationship with anyone, or words to that effect.

It is alleged that around 20 October 2015, Individual A sent a copy of the minutes from the investigation meeting to Mrs Nazam-Khan.

Furthermore, sometime in November 2015, Individual A failed to act on a safeguarding concern reported to her by Pupil A, namely, that he had engaged in a relationship with Mrs Nazam-Khan. This concern was reported during the course of a further meeting on 10 December 2015.

During an interview on 10 December 2015, Mrs Nazam-Khan denied an inappropriate relationship with Pupil A. She later notified the School via her union representative that she had been in a sexual relationship with Pupil A and at a disciplinary meeting held on 9 March 2015, she admitted to having an inappropriate relationship with Pupil A.

Mrs Nazam-Khan ceased her employment at the School on 9 March 2016 and Individual A ceased her employment on 30 March 2016.

Findings of fact

Our findings of fact in respect of Mrs Amena Nazam-Khan are as follows:

We have found the following allegations against you proven, for these reasons:

- 1. In relation to Pupil A, you engaged in an inappropriate relationship with him, during the period January to October 2015, including but not limited to:**
 - a. Giving him your personal contact details,**
 - b. Inviting him to your home and/or allowing him to attend your home,**
 - c. Communicating with him via telephone and/or mobile phone apps and/or social media and/or in person,**
 - d. Sending communications (via the methods described at 1(c) above) which included matters of a personal nature and/or sexual nature,**
 - e. Sending him explicit photographs including of a sexual nature,**
 - h. Taking him to hotel rooms,**
 - i. Engaging in a sexual relationship with him, including having sexual intercourse;**

The facts of this allegation have been admitted by Mrs Nazam-Khan in the Statement of Agreed Facts signed on 5 January 2017 and in her witness statement.

In addition, the panel considered the "Line Chat" messages exchanged between Mrs

Nazam-Khan and Pupil A between 8 October 2015 to 23 October 2015. Mrs Nazam-Khan confirmed that Pupil A was messaging under the username “The A Team” and she was messaging under the username “Baby”. It was evident from these messages that:

- Mrs Nazam-Khan invited Pupil A to her home and allowed him to enter;
- Mrs Nazam-Khan discussed matters of a personal and sexual nature, including sending him explicit pictures of herself;
- there was a discussion about visiting and/or staying in hotel rooms;
- Mrs Nazam-Khan engaged in a sexual relationship with Pupil A, which included having sexual intercourse.

It follows that Mrs Nazam-Khan must have exchanged personal contact details with Pupil A in order for such communication to have taken place. Furthermore, it was clear from the evidence in the hearing bundle that they had communicated via telephone, “Line

Chat” (a mobile phone app), Facebook messages (social media) and in person. The panel also had regard to the explicit photographs adduced in the hearing bundle of Mrs Nazam-Khan which she sent to Pupil A.

The panel noted the School’s ICT procedure which provided that, “Staff should never have on-line relationships with students ... This includes ‘friending’ students on sites such as Facebook”. The panel also had regard to the material circulated following the safeguarding training in November 2014, where it was stressed that, “Employees must not provide students with their personal details. Relationships with students need to remain entirely proper and professional”.

The panel noted that Pupil A was a pupil attending the School and directly taught by Mrs Nazam-Khan albeit he turned 18 in spring 2015. The panel considered that the relationship between Mrs Nazam-Khan and Pupil A arose as a result of their contact at the School and therefore could be categorised as a pupil/teacher relationship.

The panel considered all of the evidence, and on the balance of probabilities the panel found that Mrs Nazam-Khan was more likely than not to have undertaken the actions outlined in this allegation. Having regard to appropriate teacher/pupil relationship and the relevant policies, the panel concluded that Mrs Nazam-Khan’s actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find this allegation to be proved.

2. Your actions set out at 1 above were sexually motivated;

As the panel found allegation 1.a. to 1.e., 1.h. and 1.i. to be proved, the panel went on to consider the two stage test for sexual motivation – firstly, whether on the balance of probabilities a reasonable person would think the actions could be sexual and secondly whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher’s purpose in such actions was sexual.

In the Statement of Agreed Facts signed on 5 January 2017 and in her witness statement, Mrs Nazam-Khan accepted that her actions were sexually motivated.

The panel noted that the facts of the allegations found proven against Mrs Nazam-Khan, included, but were not limited to, the following inappropriate words and actions:

- sending several inappropriate messages to Pupil A, which were plainly of a sexual nature;
- sending Pupil A explicit photographs; and;
- engaging in a sexual relationship with Pupil A.

Upon consideration of the evidence, the panel was satisfied that Mrs Nazam-Khan's words and actions would be viewed by a reasonable person as sexual. In reaching its decision, the panel noted that the very nature of her actions (for instance, engaging in a sexual relationship) and the very nature of the words (for instance, sending indecent messages) would suffice to satisfy this element of the test.

Turning to the second limb, whether in all the circumstances of the conduct of the case, the purpose of such actions was sexual on Mrs Nazam-Khan's part. The panel was satisfied, in the absence of any other reasonable explanation and as a result of the proven facts, that Mrs Nazam-Khan's intention behind these actions was indeed sexual. Therefore, the panel found this allegation to be proved.

3. On 11 October 2015, you told Pupil A not to discuss the relationship with anyone, or words to that effect;

The facts of this allegation have been admitted by Mrs Nazam-Khan in the Statement of Agreed Facts signed on 5 January 2017 and in her witness statement.

The panel considered the "Line Chat" messages exchanged between Mrs Nazam-Khan and Pupil A, where, on 11 October 2015, Mrs Nazam-Khan stated, "From now you will never discuss our relationship [with] anyone".

The panel also had regard to the material circulated following the safeguarding training in November 2014.

The panel considered all of the evidence, and on the balance of probabilities the panel found that Mrs Nazam-Khan told Pupil A not to discuss the relationship with anyone. Having regard to appropriate teacher/pupil relationship and the relevant policies, the panel concluded that Mrs Nazam-Khan's actions amounted to a failure to maintain appropriate professional standards and appropriate professional boundaries. Consequently, the panel find the allegation to be proved.

4. On a date or dates unknown you attempted to interfere with the School's disciplinary investigation into your relationship with Pupil A.

Mrs Nazam-Khan denied this allegation.

The panel considered the “Line Chat” messages exchanged between Mrs Nazam-Khan and Pupil A between 8 October 2015 to 23 October 2015, where on several occasions

Mrs Nazam-Khan requested a copy of the minutes from Pupil A’s meetings as part of the

School’s disciplinary investigation. She also disclosed to Pupil A the content of her own meeting, contrary to her stating that she would keep such information confidential. In addition, the panel noted Mrs Nazam-Khan’s message to Pupil A on 10 October 2015 where she stated, “Can I also finally request, that all my photos are deleted. All my messages are too. Because I don’t want any other disgrace by school finding them”. Furthermore, the panel acknowledged Mrs Nazam-Khan admission to allegation 3, namely that she told Pupil A not to discuss the relationship with anyone.

The panel noted that Mrs Nazam-Khan made reference in the “Line Chat” messages to having sight of the minutes from Individual A’s meeting as part of the School’s investigation. However, for the reasons outlined below, the panel found there was insufficient evidence to conclude on the balance of probabilities that Ms Nazam-Khan had a copy of the minutes.

In any event, her actions in relation to Pupil A led the panel to conclude that Mrs Nazam-Khan was actively seeking to conceal her behaviour and her relationship from the School and thereby interfering with the School’s disciplinary process. Consequently, the panel find the allegation to be proved.

We have found the following allegations against you not proven, for these reasons:

1. In relation to Pupil A, you engaged in an inappropriate relationship with him, during the period January to October 2015, including but not limited to:

f. Taking him to restaurants and/or buying him meals,

Mrs Nazam-Khan denied this allegation.

The panel considered the “Line Chat” messages exchanged between Mrs Nazam-Khan and Pupil A between 8 October 2015 to 23 October 2015. Whilst the panel noted the references to Mrs Nazam-Khan and Pupil A eating out together in restaurants, it was not clear from these messages whether Mrs Nazam-Khan was paying for meals or suggesting they go to a restaurant. In fact, the panel noted that during the course of the messages, it was Pupil A who stated that he wished to take Mrs Nazam-Khan to a restaurant.

The panel also had regard to the minutes from the investigation meeting with Pupil A on 10 November 2015, where Pupil A stated, “We went out to eat ... She would never let me pay for anything”. He recalled that once, “we went out to eat and another student was in the restaurant and saw us”. The panel were mindful that this evidence was hearsay

evidence. Accordingly, hearsay evidence will usually carry less weight than evidence which has been tested. However, there is no rule of law that prevents the panel from relying upon hearsay solely or to a decisive degree, if it is satisfied with the strength of that evidence. In assessing the strength of the evidence and assessing Pupil A's credibility, the panel noted the context in which Pupil A disclosed this information to the School; the disclosure came shortly after Mrs Nazam-Khan had ended the relationship. There is clear evidence that around this time Pupil A was feeling aggrieved and seeking vengeance. Furthermore, up until this point, Pupil A had denied his relationship with Mrs Nazam-Khan. In light of these factors, the panel felt that Pupil A's credibility in relation to this allegation had been eroded.

The panel considered all of the evidence and found that whilst there was evidence that Mrs Nazam-Khan and Pupil A did eat at restaurants, there was insufficient to conclude that, on the balance of probabilities, Mrs Nazam-Khan took Pupil A to restaurants and brought him meals. Consequently, the panel find this allegation not proven.

g. Buying him gifts including a Hugo Boss watch and/or a concert ticket,

Mrs Nazam-Khan denied this allegation.

The panel considered the "Line Chat" messages exchanged between Mrs Nazam-Khan and Pupil A between 8 October 2015 to 23 October 2015 and noted there was no reference to Mrs Nazam-Khan buying Pupil A gifts. The presenting officer drew the panel's attention to messages from Pupil A, where he said, "I'm not touching a penny of yours from now on", which in her submission supported the contention that Mrs Nazam-Khan purchased gifts. However, the panel considered the context of the messages and noted that this comment was made in the context of Pupil A stating he would financially support Mrs Nazam-Khan.

The panel also had regard to the minutes from the investigation meeting with Pupil A on 10 November 2015, where he outlined the various gifts Mrs Nazam-Khan brought him. For the reasons outlined above, in allegation 1.f., the panel held Pupil A's evidence lacked sufficient credibility and therefore they attached limited weight to it.

The panel considered all of the evidence and found that there was insufficient to conclude, on the balance of probabilities, that Mrs Nazam-Khan purchased Pupil A gifts, including a Hugo Boss watch and/or concert tickets. Consequently, the panel find this allegation not proven.

Having found the facts of allegations 1.a to 1.e, 1.h, 1.i, 2, 3 and 4 proved, the panel further found that Mrs Nazam-Khan's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel had regard to the admission made by Mrs Nazam-Khan that by admitting the facts of allegations 1.a to 1.e, 1.h, 1.i, 2 and 3, she also admitted that they amounted to

unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel was satisfied that the conduct of Mrs Nazam-Khan in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mrs Nazam-Khan was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mrs Nazam-Khan fell significantly short of the standards expected of the profession. Having established contact with Pupil A outside of the school environment, Mrs Nazam-Khan pursued a close and personal relationship with the pupil culminating in a sexual relationship. Furthermore, she sought to conceal her actions from the School and interfere with the School's disciplinary investigation.

The panel also considered whether Mrs Nazam-Khan's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel found that the offence of sexual activity was relevant given its findings in relation to allegation 2. The Advice indicated that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that a number of the allegations took place outside of the education setting; in such circumstances misconduct will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or may lead to pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel noted that the facts surrounding the allegations were not said to have impacted the manner in which Mrs Nazam-Khan fulfilled her role as a teacher. However, there is clear evidence from the underlying facts that her conduct led to the pupil being exposed to or influenced by her behaviour in a harmful way, not least there is evidence within the "Line Chat" messages of a deterioration in Pupil A's performance at school and clear evidence of the emotional distress caused by the relationship.

Accordingly, the panel is satisfied that Mrs Nazam-Khan is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would have a negative impact on the individual's status as a teacher, damaging the public perception. The panel therefore finds that Mrs Nazam-Khan's actions constitute conduct that bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings against both teachers 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 considered whether it was an appropriate and proportionate measure, and whether it was in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel considered the particular public interest considerations set out in the Advice and having done so found a number of them to be relevant in the case of Mrs Nazam-Khan.

In light of the panel's findings against Mrs Nazam-Khan, which involved engaging in an inappropriate relationship with Pupil A and seeking to conceal the relationship, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Pupil A.

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

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Nazam-Khan 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 Mrs Nazam-Khan.

In carrying out the balancing exercise, the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mrs Nazam-Khan. The panel took further account of the Advice, which suggested that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- sexual misconduct, e.g. 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 there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Given the nature of the behaviour, the panel held that Mrs Nazam-Khan's actions were deliberate and had seen no evidence to suggest that she was acting under duress. In fact the panel considered that her conduct was conscious and calculated. The panel noted that, as far as they are aware, in her role as a teacher, Mrs Nazam-Khan had not been subject to any formal disciplinary proceedings. The panel noted Mrs Nazam-Khan was said to have had an exemplary teaching record, although no evidence had been put before it to attest to this.

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 was sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mrs Nazam-Khan. The nature of relationship and the detrimental impact upon Pupil A was a

significant factor in forming that opinion. 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 to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises 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 indicated that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes 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. The panel found that Mrs Nazam-Khan engaged in a sexual relationship with Pupil A, such actions being sexually motivated. The relationship spanned several months. Furthermore, the panel noted the detrimental impact upon Pupil A arising as a result of Mrs Nazam-Khan's actions. Furthermore, the panel do not consider that Mrs Nazam-Khan has shown any remorse for her actions and the impact upon the pupil; her remorse is largely for the impact upon her family and herself.

Consequently, the panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a 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 sanction and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found the allegations proved I have put those allegations completely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Amena Nazam-Khan should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mrs Amena Nazam-Khan is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied that the conduct of Mrs Nazam-Khan fell significantly short of the standards expected of the profession. Having established contact with Pupil A outside of the school environment, Mrs Nazam-Khan pursued a close and personal relationship with the pupil culminating in a sexual relationship. Furthermore, she sought to conceal her actions from the School and interfere with the School's disciplinary investigation.

The panel also considered whether Mrs Nazam-Khan's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel found that the offence of sexual activity was relevant given its findings in relation to allegation 2.

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 both 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 or not 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 Mrs Nazam-Khan, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "her conduct led to the pupil being exposed to or influenced by her behaviour in a harmful way, not least there is evidence within the "Line

Chat” messages of a deterioration in Pupil A’s performance at school and clear evidence of the emotional distress caused by the relationship.

A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “do not consider that Mrs Nazam-Khan has shown any remorse for her actions and the impact upon the pupil; her remorse is largely for the impact upon her family and herself.”

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ well-being. 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, “a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Pupil A.”

I am particularly mindful of the finding of sexual misconduct 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 failure to impose a prohibition order might be regarded by the public 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 Mrs Nazam-Khan herself. The panel has commented on her exemplary record.

A prohibition order would prevent Mrs Nazam-Khan from continuing to teach and would deny 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 and the deliberate nature of the behaviour. The panel has said, “Mrs Nazam-Khan pursued a close and personal relationship with the pupil culminating in a sexual relationship. Furthermore, she sought to conceal her actions from the School and interfere with the School’s disciplinary investigation.”

I have also placed considerable weight on the finding of the panel that Mrs Nazam-

Khan's behaviour had a detrimental impact on Pupil A. The panel says that the "nature of relationship and the detrimental impact upon Pupil A was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Nazam-Khan 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 that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession. In addition the serious nature of the misconduct in this case means that a prohibition order is proportionate and in the public interest.

For these reasons I have concluded that a prohibition order is necessary.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no review period.

I have considered the panel's comments and I have also taken into account the published guidance.

The panel has found "that Mrs Nazam-Khan engaged in a sexual relationship with Pupil A, such actions being sexually motivated. The relationship spanned several months.

Furthermore, the panel noted the detrimental impact upon Pupil A arising as a result of

Mrs Nazam-Khan's actions. Furthermore, the panel do not consider that Mrs Nazam-Khan has shown any remorse for her actions and the impact upon the pupil; her remorse is largely for the impact upon her family and herself."

I have considered whether a prohibition with no review period reflects the seriousness of the findings and is proportionate. In this case, there are three factors that in my view mean that a prohibition with no review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct found, the lack of either insight or remorse, and the adverse impact on Pupil A.

I consider therefore that a prohibition order with no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mrs Amena Nazam-Khan 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 Mrs Amena-Khan 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.

Mrs Amena Nazam-Khan has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', is written over a vertical line.

Decision maker: Alan Meyrick

Date: 12 June 2017

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