



Teaching
Regulation
Agency

Mr Suleyman Folami: Professional conduct panel meeting outcome

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

February 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	9

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

Teacher:	Mr Suleyman Folami
Teacher ref number:	0311848
Teacher date of birth:	22 September 1961
TRA reference:	0019349
Date of determination:	26 February 2024
Former employer:	Advanced Education Centre, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 26 February 2024, to consider the case of Mr Suleyman Folami.

The panel members were Ms Charlotte McCallum (lay panellist – in the chair), Ms Aisha Miller (teacher panellist) and Mr Paul Burton (lay panellist).

The legal adviser to the panel was Ms Claire Watson of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Folami that the allegation be considered without a hearing. Mr Folami provided a signed Statement of Agreed Facts and admitted a conviction, at any time, of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ian Brook of Capsticks Solicitors LLP, Mr Folami or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 23 February 2024.

It was alleged that Mr Folami was guilty of having been convicted of a relevant offence at any time in that:

1. On 4 March 2020, he was convicted of conducting an unregistered independent educational institution contrary to section 96(2) of the Education and Skills Act 2008

Mr Folami admitted the facts of the allegation, as well as a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

Prior to the start of the meeting, the panel received an updated Notice of Meeting dated 23 February 2024, which stated it was alleged that Mr Folami was guilty of having been convicted of a relevant offence. The previous Notice of Meeting dated 7 February 2024 alleged that Mr Folami was guilty of unacceptable professional conduct and/or conduct that may bring the teaching profession into disrepute. The panel replaced the previous Notice of Meeting in the bundle with the updated Notice of Meeting.

Summary of evidence

Documents

In advance of the meeting, 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 Referral, response and Notice of Meeting – pages 5 to 17

Section 3: Statement of Agreed Facts and presenting officer representations - pages 18 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 75

Section 5: Teacher documents – pages 76 to 119

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

Statement of agreed facts

The panel considered a Statement of Agreed Facts which was signed by Mr Folami on 10 December 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Folami for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Folami had been employed at Advanced Education Primary School since September 2016 and was a designated safeguarding lead. On 12 December 2018, 5 March 2019 and 6 March 2019, Ofsted inspections were carried out under section 97 of the Education and Skills Act 2008 and concluded that Mr Folami was also involved in the conduct of an unregistered independent school, Advance Education Centre, which was on the first floor of the same premises as the primary school. On 4 March 2020, Mr Folami was convicted of conducting an unregistered independent education institution contrary to section 96(2) of the Education and Skills Act 2008.

Findings of fact

The findings of fact are as follows:

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

- 1. On 4 March 2020, you were convicted of conducting an unregistered independent educational institution contrary to section 96(2) of the Education and Skills Act 2008**

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of a signed Statement of Agreed Facts, in which Mr Folami accepted that on 4 March 2020 he was convicted of conducting an unregistered independent educational institution contrary to section 96(2) of the Education and Skills Act 2008.

The panel had sight of a memorandum of conviction. The panel accepted the memorandum of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

Mr Folami was sentenced to a 4 week custodial sentence, suspended for 12 months. He was also ordered to undertake 120 hours of unpaid work.

The allegation was therefore, found proved.

Findings as to conviction of a relevant offence

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

- 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 the conviction related to conducting an unregistered independent educational institution.

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, as the unregistered institution was unlikely to have been subject to the same Ofsted inspections as a registered school to ensure the safeguarding of pupils.

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

The panel noted that Mr Folami'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 Teacher Misconduct: The Prohibition of Teachers ('the Advice') states is likely to be considered "a relevant offence".

The panel considered the list of offences at pages 12 and 13 of the Advice. Although the offence is not listed, 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". The panel considered this offence to be a relevant offence as it related to the running of an educational establishment and Mr Folami received a sentence of imprisonment, albeit that it was suspended.

The panel also read Mr Folami's evidence that he did not knowingly commit the offence. However, the panel noted that the school was subject to three Ofsted inspections and after the first inspection on 12 December 2018, the school was given a warning letter and Mr Folami was told about the potential offence. Mr Folami has acknowledged the importance of safeguarding and was a safeguarding lead. The panel noted that this was a strict liability offence.

Although the panel found that the evidence of Mr Folami's teaching proficiency was of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Folami'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 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 Mr Folami and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr Folami, which involved a conviction for conducting an unregistered independent educational institution, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, although the panel was presented with limited evidence that safeguarding was a concern of the Ofsted inspectors.

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession.

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 there was no evidence that Mr Folami's behaviour was motivated by any financial gain. The panel also noted that in sentencing, the Judge did not state that there was deliberate dishonesty. From the evidence available to it, the panel considered the focus of the Judge's ruling to be on the number of hours for which the school operated and whether what was being operated was not a supplementary school.

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;

Even though some of 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 the mitigation offered by the teacher and whether there were mitigating circumstances.

There was no evidence that Mr Folami's actions were deliberate.

There was no evidence to suggest that Mr Folami was acting under extreme duress, e.g. a physical threat or significant intimidation.

Mr Folami did have a previously good history, having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel accepted that the incident was out of character.

The panel was provided with three character statements in the hearing bundle, two from friends of Mr Folami and one from the CEO of an educational establishment that Mr Folami had previously taught at for approximately 9 years.

One of the statements, from a friend who had known Mr Folami for over 10 years, stated Mr Folami was incredibly remorseful and has "reflected in his effort to make amends and takes full responsibility". It goes on to say that Mr Folami is "honest, trustworthy, kind and openhearted".

Another statement from a friend of Mr Folami for over 15 years states they have known Mr Folami to be "of an excellent character and honesty". He is involved in charities and supporting local events and is a "positive role model for the younger generation". He joined the charitable organisation Advance Education Centre to support families in the local communities.

A statement from a former employer states Mr Folami was an “excellent teacher” and demonstrated “empathy, rapport and professionalism” towards pupils, evidenced in his “ability to effectively role model and mentor newly qualified staff”. It goes on to state that Mr Folami “delivered a values-based curriculum and in his Form tutor role he demonstrated and modelled excellent personal and professional values that were fully congruent with our whole school community values”. He has given “so much to the most vulnerable and complex pupils”. He had a good knowledge of safeguarding and child protection and there were no issues in relation to any safeguarding concerns or any other disciplinary or grievance issues.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that the findings of a relevant conviction should be published and that such an action is proportionate and in the public interest.

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

- 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 Folami fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conducting an unregistered independent educational institution which resulted in Mr Folami being sentenced to a term of imprisonment (albeit suspended).

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 a relevant conviction, 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 Folami, 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 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, as the unregistered institution was unlikely to have been subject to the same Ofsted inspections as a registered school to ensure the safeguarding of pupils." 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. Although the degree of remorse and insight demonstrated by Mr Folami is not addressed directly by the panel it notes that one of the character statements, from a friend who had known Mr Folami for over 10 years, attests that "...Mr Folami was incredibly remorseful and has *reflected in his effort to make amends and takes full responsibility*".

However, I also note that the panel records that Mr Folami had submitted in his evidence that "...he did not knowingly commit the offence". The panel go on to note though "...that the school was subject to three Ofsted inspections and after the first inspection on 12 December 2018, the school was given a warning letter and Mr Folami was told about the potential offence." In my judgment, this discrepancy indicates that Mr Folami may not have attained full remorse for his actions and therefore there is the risk of the repetition of this behaviour and this could jeopardise the future wellbeing of pupils.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel record that it, "...took account of the way the teaching profession is viewed by others. The panel considered that Mr Folami's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Folami was allowed to continue teaching."

Conduct of this sort has the potential to damage the public's perception of, and trust in, the profession." I am particularly mindful of the finding in this case that Mr Folami had been convicted of a serious criminal offence resulting in a sentence of imprisonment (suspended) 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 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 Mr Folami himself. The panel note having seen three testimonials attesting to Mr Folami's commitment and contribution to the education sector and his community as well as his general good character in very positive terms. The panel also comment that "Mr Folami did have a previously good history, having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel accepted that the incident was out of character."

A prohibition order would prevent Mr Folami 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 seriousness of the misconduct found, which resulted in Mr Folami being convicted of a serious criminal offence resulting in a suspended sentence of imprisonment.

I have also placed weight on the safeguarding risks inherent in Mr Folami's actions in running an unregistered education institution, notwithstanding the panel's note that safeguarding risks had not been specifically raised by Ofsted. In several places the panel notes that Mr Folami has some expertise in safeguarding matters and in my view this means it is at least arguable that he should have been even more conscious of the risks of operating an unregistered institution.

I have also placed weight on the limited nature of the evidence provided that Mr Folami has attained full insight and remorse.

For these reasons, I cannot agree with the panel's recommendation in this case that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

I have, therefore, 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.

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. The Advice also 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 a longer period before a review is considered appropriate. In my assessment none of these examples are relevant to this case.

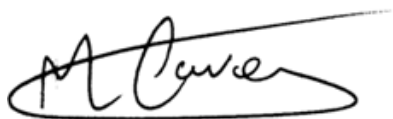
In my considerations of review period I have taken into account the seriousness of the misconduct found which resulted in a sentence of imprisonment (suspended), the safeguarding risks created by that misconduct and the limited evidence that Mr Folami has attained full insight and remorse. I have also taken into account the evidence cited by the panel attesting to Mr Folami's prior contribution to the education sector and previous good character.

I have concluded that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Suleyman Folami is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 8 March 2026, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Folami remains prohibited from teaching indefinitely.

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

Mr Suleyman Folami 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.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a simple black oval border.

Decision maker: Marc Cavey

Date: 8 March 2024

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