



Teaching
Regulation
Agency

Mrs Mujanet Daniah: Professional conduct panel outcome

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

February 2024

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

Teacher:	Mrs Mujanet Daniah
Teacher ref number:	2243217
Teacher date of birth:	09 June 1978
TRA reference:	0019348
Date of determination:	26 February 2024
Former employer:	Advance Education Centre, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 26 February 2024 by MS Teams to consider the case of Mrs Mujanet Daniah.

The panel members were Mr Paul Millett (lay panellist – in the chair), Miss Lucy Childs (teacher panellist) and Mrs Ashley Emmerson (teacher panellist).

The legal adviser to the panel was Ms Anna Marjoram 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 Mrs Daniah that the allegation be considered without a hearing. Mrs Daniah provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Mr Ian Brook of Capsticks Solicitors LLP, Mrs Daniah or a representative on her behalf.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 23 February 2024.

It was alleged that Mrs Daniah was guilty of having been convicted of a relevant offence in that:

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

Mrs Daniah admitted the facts of the allegation and that she was guilty of having been convicted of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 18

Section 3: Statement of agreed facts and presenting officer representations – pages 19 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 77

Section 5: Teacher documents – pages 78 to 262

The panel was also provided with the amended notice of meeting, dated 23 February 2024.

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mrs Daniah on 20 November 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Daniah was at the time of her conviction, and remains, an employee of Advance Education Charity.

Advance Education Centre (London) was inspected by Ofsted on 12 December 2018, 5 March 2019 and 6 March 2019. These inspections raised concerns regarding its secondary school function, which formed the basis of criminal proceedings brought by the Crown Prosecution Service for the alleged offence of conducting an unregistered independent educational institution contrary to section 96(2) of the Education and Skills Act 2008.

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

Mrs Daniah was sentenced to 4 weeks' imprisonment, suspended for a period of 12 months, and was ordered to undertake an unpaid work requirement of 120 hours.

Mrs Daniah appealed her conviction, and this was heard at the Crown Court at Southwark on 20 January 2022. The Court dismissed her appeal and her sentence was upheld.

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 by Mrs Daniah and supported by evidence presented to the panel. The panel were presented with the memorandum of conviction, and the panel accepted this as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether this amounted to a conviction of a relevant offence.

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 Mrs Daniah, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mrs Daniah 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; and
- 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 Mrs Daniah’s actions were relevant to teaching, working with children and/or working in an education setting because her conviction related to operating an unregulated educational institution. The panel considered that this raised issues around the safeguarding of pupils and the promotion of their best interests, as well as according with the rules, regulations and processes of the teaching profession and more widely.

The panel noted that the behaviour involved in committing the offence risked having an impact on the safety and/or security of pupils. The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Daniah’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession if Mrs Daniah was allowed to continue teaching.

The panel noted that Mrs Daniah’s behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offence committed, and which the Advice states is likely to be considered “a relevant offence”.

The Advice gives examples of what a relevant offence may be, but the offence in this case is not included in that list. However, the panel noted that the advice is not intended to be exhaustive and there may be offences other than those listed that panels consider to be “a relevant offence”. The panel were of the view that the offence raised serious safeguarding issues in respect of children being in an unregistered setting, and therefore it was a relevant offence. Given these concerns, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mrs Daniah’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 Mrs Daniah 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 protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mrs Daniah, 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. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Daniah 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 Mrs Daniah was outside that which could reasonably be tolerated.

Whilst there is evidence that Mrs Daniah may have ability as an educator, based on statements presented by the teacher in the bundle, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mrs Daniah in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher. In addition, the panel considered that, by her actions, she sought to exploit her position of trust in the community in which she professes to serve.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour which resulted in her receiving a criminal conviction and a suspended prison sentence should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils; and
- abuse of position or trust (particularly involving vulnerable pupils).

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.

The panel considered that Mrs Daniah's actions were deliberate, particularly because Advance Education Centre (London) was visited by Ofsted on three occasions. There was no evidence that she was acting under duress.

Although the panel saw evidence of Mrs Daniah's good character and her teaching abilities, there were no compelling statements showing an exceptional or significant contribution to the teaching profession.

Proportionality

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 Mrs Daniah 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 Daniah. The seriousness of the offence and the significant concerns around safeguarding were important factors in forming that opinion. The panel gave weight to the conclusions reached by Judge [REDACTED] regarding the large number of children involved and that

Mrs Daniah's conduct continued for 3 months after the December 2018 inspection. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. 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. The panel found that none of these examples were relevant. However, the lists are not exhaustive and the panel considered the conviction against Mrs Daniah was particularly serious in the context of the safeguarding of pupils and complying with statutory frameworks, procedures and processes relating to schools.

Although the panel were presented with a statement from Mrs Daniah referring to her remorse, the panel did not consider that Mrs Daniah demonstrated a level of remorse or insight that provided confidence that she fully understood the implications of her actions. The panel were of the view that Mrs Daniah had expressed remorse only at the last opportunity; and did not fully appreciate the impact of her conduct on how she, or the teaching profession, would be viewed. The panel considered that Mrs Daniah had abused her position of trust, particularly in a senior teaching position, and that she did not act to remedy her actions when given the opportunity to.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period. In view of the seriousness of its findings, the panel recommended a review period of 5 years.

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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mrs Mujanet Daniah should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mrs Daniah 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; and
- 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 Mrs Daniah fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a relevant conviction for conducting an unregistered independent educational institution which resulted in a sentence 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 Mrs Daniah, 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 recorded that it was "...of the view that the offence raised serious safeguarding issues in respect of children being in an unregistered setting, and therefore it was a relevant offence." 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 it sets out as follows:

"Although the panel were presented with a statement from Mrs Daniah referring to her remorse, the panel did not consider that Mrs Daniah demonstrated a level of remorse or insight that provided confidence that she fully understood the implications of her actions. The panel were of the view that Mrs Daniah had expressed remorse only at the last opportunity; and did not fully appreciate the impact of her conduct on how she, or the teaching profession, would be viewed. The panel considered that Mrs Daniah had

abused her position of trust, particularly in a senior teaching position, and that she did not act to remedy her actions when given the opportunity to.”

In my judgement, the lack of full insight 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 notes that it “...also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Daniah’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession if Mrs Daniah was allowed to continue teaching.” I am particularly mindful of the finding in this case that Mrs Daniah had been convicted of a serious criminal offence 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 on Mrs Daniah herself. The panel comments that “Although the panel saw evidence of Mrs Daniah’s good character and her teaching abilities, there were no compelling statements showing an exceptional or significant contribution to the teaching profession.”

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

In this case, I have placed considerable weight on the seriousness of the panel’s findings regarding Mrs Daniah’s misconduct which, in my judgment, is incompatible with being a teacher. I have also considered the safeguarding risks created by Mrs Daniah’s misconduct and the absence of evidence that she has attained full insight into her actions.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Daniah 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 nature of the misconduct found in this case, 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 a five-year review period.

In doing so the panel has referred to the Advice which 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. The panel found that none of these examples were relevant. However, as the panel notes, the lists are not exhaustive and the panel considered the conviction against Mrs Daniah was particularly serious in the context of the safeguarding of pupils and complying with statutory frameworks, procedures and processes relating to schools.

I have considered the panel's concluding remarks "The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period. In view of the seriousness of its findings, the panel recommended a review period of 5 years."

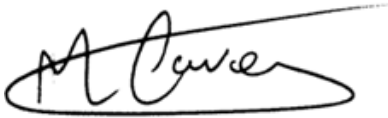
I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that a five-year review period is a proportionate and appropriate response to the misconduct found in order to maintain public confidence in the profession. These elements are the seriousness of the misconduct found, which led to Mrs Daniah receiving a sentence of imprisonment (suspended), the safeguarding risks created by her behaviour and the lack of evidence of either full insight or remorse.

I consider therefore that a five-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mrs Mujanet Daniah is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 8 March 2029, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Daniah remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

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.