



Teaching
Regulation
Agency

Dr Mohammad Afzal: Professional conduct panel meeting outcome

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

April 2024

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

Teacher:	Dr Mohammad Afzal
Teacher ref number:	7956438
Teacher date of birth:	6 June 1955
TRA reference:	19084
Date of determination:	30 April 2024
Former employer:	Queen Ethelburga's Collegiate, York

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 April 2024 by way of a virtual meeting, to consider the case of Dr Mohammad Afzal.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Mr Jeremy Phillips KC (lay panellist) and Mrs Jane Gotschel (teacher panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts 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 Dr Afzal that the allegations be considered without a hearing. Dr Afzal provided a signed statement of agreed facts and admitted unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Amalea Bourne of Browne Jacobson LLP, Dr Afzal or any representative for Dr Afzal.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 16 February 2024, as amended on the initiative of the panel during the meeting.

Dr Afzal was convicted at any time, of a relevant offence for the following:

1. Indecent assault on female under 16 on 26 October 1993 – 29 October 1993, contrary Sexual Offences Act 1956 s.14

It was also alleged that Dr Afzal was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that;

2. Whilst applying for the role of head of science at Queen Ethelburga's Collegiate, York and/or following his appointment, he provided false and/or misleading information and/or failed to disclose relevant information in order to improve his prospects of securing and/or retaining a teaching post by;
 - a) Failed to disclose his appointment of 6th form chemistry teacher at Sutton Valence school, Kent in 1993;
 - b) Failed to disclose on both his application and/or curriculum vitae of his employment at Sutton Valence school, Kent in 1993 and the reason for him leaving the role as 6th form chemistry teacher;
 - c) Failed to disclose prior safeguarding concerns at Sutton Vance school raised in relation to a group of pupils where he was asked to resign from Sutton Valence school.
3. His conduct as may be found proven at 2 above lacked integrity and/or was dishonest.

In his response to the notice of referral dated 3 February 2023, and in the statement of agreed facts signed on the 5 October 2023, Dr Afzal admitted the particulars of allegations 1, 2(a), 2(b), 2(c) and 3. Dr Afzal further admitted that his behaviour amounted to unacceptable professional conduct, conduct that may bring the profession into disrepute and the conviction of a relevant offence.

Preliminary applications

Application to amend allegations

The panel considered on its own initiative whether to amend an allegation as follows:

- Allegation 2(c) from *'Failed to disclose prior safeguarding concerns at Sutton Valence school raised in relation to a group of pupils in where he was asked to resign from Sutton Valence school because: (i) Of a covert recording made by a group of pupils which had been provided to the head of the school.'* to *'Failed to disclose prior safeguarding concerns at Sutton Valence school raised in relation to a group of pupils where he was asked to resign from Sutton Valence school.'*

The panel was concerned the detail referred to at 2(c)(i) arose from matters already determined by the Department for Education in 1994 and therefore it was not appropriate to make a finding as to these specific facts. However, the panel did not consider this issue would arise in respect of safeguarding concerns generally at Sutton Valence school.

The panel noted that the presenting officer and teacher had not been informed of the proposed changes to the allegations.

The panel further noted that the statement of agreed facts signed on the 5 October 2023, by Dr Afzal admitted to allegation 2(c) and 2(c)(i) separately.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures").

The panel considered that the proposed amendment would not change the nature and scope of the allegations. The panel concluded that there was no prospect of the case being presented differently had the amendment been made at an earlier stage. As such, the panel considered that the proposed amendment did not amount to a material change to the allegations and therefore no unfairness or prejudice was caused.

The legal adviser drew the panel's attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

Accordingly, the panel considered the amended allegation, which is set out above.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May

2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the April 2018 Procedures apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology – page 7
- Section 2: Notice of referral, response and notice of meeting – pages 9 to 21
- Section 3: Statement of agreed facts and presenting officer representations – pages 23 to 31
- Section 4: Teaching Regulation Agency documents – pages 33 to 182
- Section 5: Teacher documents – pages 184 to 189

Further, in advance of the meeting, the panel received a skeleton argument from the presenting officer dated 5 January 2024 outlining the allegations and previous investigation of the Department for Education for conduct in 1993 – 1995 (the Skeleton Argument).

The panel members confirmed that they had read all of the documents within the bundle, and the presenting officer’s Skeleton Argument in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Dr Afzal on 5 October 2023, and subsequently signed by the presenting officer on 9 October 2023.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Dr Afzal for the allegations 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.

The panel considered the Skeleton Argument and concluded that the allegations before it had not previously been determined and the panel could proceed with the meeting.

On or around the 13 to 14 December 2019, Dr Afzal was approached by police and taken to Maidstone police station and interviewed regarding an alleged incident during the time period between 26 October 1993 and 29 October 1993.

On the 6 January 2020, Dr Afzal met with the principal of Queen Ethelburga's Collegiate ('the School') to discuss the police investigation. He informed the School he was interviewed by the police and released pending further investigation. During this meeting, he disclosed he was employed by Sutton Valence School in 1993 and was asked to resign following an incident in which female pupils provided a covert recording to the headmaster. It became apparent during the meeting that this employment was not placed on his CV and/or application form. Dr Afzal was suspended from the School.

On the 16 January 2020, Dr Afzal attended a further meeting with the principal of the School and discussed his employment at Sutton Valence School and failure to disclose this on his CV and/or application. Dr Afzal during this meeting explained the employment omitted by mistake on these documents.

On the 21 January 2020, Dr Afzal's employment at the School was terminated.

On the 3 February 2020 the matter was referred to the TRA.

On the 4 March 2022, Dr Afzal was convicted of indecent assault on a female under 16 contrary to s.14 of the Sexual Offences Act 1956.

On the 6 May 2022, Dr Afzal was sentenced at Maidstone Crown Court to imprisonment of 3 years, and placed on the sex offenders register indefinitely and required to pay compensation of £1000. Dr Afzal pleaded not guilty for the offence but stated that he felt remorse for his wife, professional standing and his own life.

Findings of fact

The findings of fact are as follows:

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

You have been convicted, at any time, of the following relevant offence:

- 1. Indecent assault on female under 16 on 26 October 1993 – 29 October 1993, contrary Sexual Offences Act 1956 s.14**

The panel noted that Dr Afzal admitted allegation 1, as set out in the response to the notice of referral dated 3 February 2023, and the statement of agreed facts signed by Dr Afzal on the 5 October 2023. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice'), which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the conviction certificate from Maidstone Crown Court, which detailed that Dr Afzal had been convicted of 1 offence of indecent assault.

In respect of the allegation, Dr Afzal was sentenced to a total of 3 years imprisonment, and to be placed on the sex offenders register indefinitely.

The panel noted that the offence committed by Dr Afzal was against one of his pupils at the relevant time.

On examination of the documents before the panel and the admissions in the signed statement of facts, the panel was satisfied that allegation 1 was proven.

You are guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that;

2. Whilst applying for the role of head of science at Queen Ethelburga's Collegiate, York and/or following your appointment, you provided false and/or misleading information and/or failed to disclose relevant information in order to improve your prospects of securing and/or retaining a teaching post by;

- a) Failed to disclose your appointment of 6th form chemistry teacher at Sutton Valence school, Kent in 1993;**
- b) Failed to disclose on both your application and/or curriculum vitae of your employment at Sutton Valence school, Kent in 1993 and the reason for you leaving the role as 6th form chemistry teacher;**

The panel noted that Dr Afzal admitted allegations 2(a) and 2(b), as set out in the response to the notice of referral dated 3 February 2023, and the statement of agreed facts signed by Dr Afzal on the 5 October 2023. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered Dr Afzal's application for the position of head of science at the School, signed by Dr Afzal on the 17 October 2015.

The panel noted that the application form outlined Dr Afzal's employment history, within teaching, including the dates he had taught at multiple schools since 1980. Dr Afzal had also provided an explanation for the reason he left the job he held in each of the 8 schools, as the application form requested.

The panel noted that Dr Afzal had not listed his employment at Sutton Valence school on his application, nor had he stated his reason for leaving his role as 6th form chemistry teacher.

Dr Afzal had stated that in 1993 he was at Birbeck College, University of London, undertaking a BSc one year FT research.

The panel considered the curriculum vitae Dr Afzal submitted for the head of science role at the School and noted that Dr Afzal had not included Sutton Valence school on his curriculum vitae.

The panel noted that both documents were very detailed and provided a comprehensive overview of Dr Afzal's employment history, save for his employment at Sutton Valence school.

The panel considered the witness statement of witness a who stated that during a meeting on the 6 January 2020, Dr Afzal was asked by individual a to further explain what had happened and was questioned as to the lack of reference to Sutton Valence within his CV and application.

Witness a explained that as the meeting progressed, Dr Afzal became more subdued as he was giving answers to more difficult questions. She stated that when asked why Sutton Valence school was not on his CV he replied "*oh, is it not?*".

The panel considered the witness statement of individual b, [REDACTED] at Sutton Valence school, who stated that Dr Afzal commenced his employment at Sutton Valence school as head of chemistry on the 1 September 1993 and resigned on the 23 November 1993. He stated that Dr Afzal was employed by the school for a short period of 2 months after which his employment ceased.

The panel considered the evidence and concluded that Dr Afzal, as a teaching professional, would be aware of the need, for safeguarding reasons, to provide a comprehensive employment history to the School.

The panel found allegations 2(a) and 2(b) proven.

You are guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that;

2. Whilst applying for the role of head of science at Queen Ethelburga's Collegiate, York and/or following your appointment, you provided false and/or misleading information and/or failed to disclose relevant information in order to improve your prospects of securing and/or retaining a teaching post by;

c) Failed to disclose prior safeguarding concerns at Sutton Valence school raised in relation to a group of pupils where you were asked to resign from Sutton Valence school.

The panel noted that Dr Afzal admitted allegation 2(c), as set out in the response to the notice of referral dated 3 February 2023, and the statement of agreed facts signed by Dr Afzal on the 5 October 2023. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered Dr Afzal's application for the position of head of science at the School, signed by Dr Afzal on the 17 October 2015.

Question 4 of the form asked Dr Afzal '*have you ever been dismissed, or forced to resign from any previous employment?*'. The panel noted that Dr Afzal did not answer this question.

The panel considered the witness statement of witness a, [REDACTED], who stated that she could confirm that when looking at Dr Afzal's CV and application form, he stated that he was at Birbeck College, University of London researching for his PHD between 1993 – 1994, and there is no mention of Sutton Valence as his employer for Autumn Term 1993.

Witness a, submitted that on the School's application form, Dr Afzal did not confirm or deny the answer to question 4, which stated '*have you ever been dismissed, or forced to resign from any previous employment?*'. She stated that Dr Afzal may argue that he was neither dismissed nor forced to resign, but he clearly obfuscated the answer by failing to respond at all.

Witness a stated that during a meeting on the 6 January 2020, Dr Afzal was asked by individual a to further explain what had happened. She stated that Dr Afzal did not make any comments relating to the safeguarding concerns, "*nor did he really say anything much about anything*". Witness a, submitted that Dr Afzal explained that there was a recording made by some girls, but then mentioned an allegation of sexual contact for which he was arrested.

Witness a explained that her understanding was that Dr Afzal had been asked to resign. She stated that he explained that there was a situation with one of the girls/pupils who knew his daughter, they had recorded him responding to their question about what he thought of them, to which he had said they were "*fascinating students*". Witness a submitted that in disclosing this, Dr Afzal gave the impression during the meeting that he thought the girls had set him up, and he stated that the recording subsequently went to

the headmaster, who advised Dr Afzal that Dr Afzal's behaviour was 'unprofessional but not untoward'.

The panel considered the witness statement of individual b who stated that allegations were made by a group of pupils of inappropriate sexual conduct by Dr Afzal. He stated that in November 1993, the school investigated the allegations and found that there was "*firm evidence from which to conclude Dr Afzal had been in gross breach of the accepted norms of professional conduct and should be dismissed from the service of the school*". Individual b stated that at the time Dr Afzal was suspended with immediate effect.

Individual b stated that Dr Afzal resigned on the 19 November 1993.

Individual b explained that it is noted within the documentation of the existence of a recording made by a group of pupils, but there is no copy of the recording on file. He stated that from the documentation it seems that Dr Afzal was not aware of the recording until the investigation took place.

The panel found allegation 2(c) proven.

3. Your conduct as may be found proven at 2 above lacked integrity and/or was dishonest.

The panel noted that Dr Afzal admitted allegation 3, as set out in the response to the notice of referral dated 3 February 2023, and the statement of agreed facts signed by Dr Afzal on the 5 October 2023. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel firstly considered whether Dr Afzal had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*

The panel considered that Dr Afzal had failed to act within the higher standards expected of a teacher by his conduct found proven at allegation 2. The panel considered that the information relating to his employment with Sutton Valence school and his reasons for leaving to be relevant information about which he should have informed the School.

Dr Afzal had provided false and/or misleading information relating to his employment history and had failed to disclose relevant information on his application to the School. This information was relevant to the School for safeguarding purposes, and, as a teacher, Dr Afzal should have appreciated the importance of providing the School with the correct information. The panel noted that the information was relevant to the School and would be relevant to any School during the recruitment process.

The panel was satisfied that Dr Afzal's conduct, as found proven, lacked integrity.

The panel then considered whether Dr Afzal had acted dishonestly. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Dr Afzal's knowledge or belief as to the facts. The panel concluded that Dr Afzal's conduct as found proven at allegation 2 was dishonest; Dr Afzal had provided incorrect and misleading information and/or failed to disclose relevant information to the School in his application form or CV or during the course of his employment.

Further, the panel did not accept that Dr Afzal's failure to provide the correct information was a mistake and considered that he had deliberately withheld the information from the School in order to improve his prospects of obtaining employment. The panel considered that Dr Afzal had been dishonest according to the standards of ordinary decent people.

The panel found that it was more likely than not that Dr Afzal had not provided the correct information to the School to conceal the relevant information regarding the disciplinary investigation against him.

The panel found allegation 3 proven.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to:

- In respect of allegation 1, conviction of a relevant offence; and
- In respect of allegation 2 and 3, unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document *Teacher Misconduct: The Prohibition of Teachers*, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Dr Afzal in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Dr Afzal 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
- 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.

Conviction of a relevant offence

The panel made this finding in respect of allegation 1 only.

The panel was satisfied that the conduct of Dr Afzal fell significantly short of the standards expected of the profession.

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting and his behaviour would have a significant impact on the safety and security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Dr Afzal's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. The panel considered that the public would not expect and would be shocked by a teacher indecently assaulting a pupil.

This was a case involving an offence of sexual activity, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to this conviction was relevant to Dr Afzal's ongoing suitability to teach. 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.

Unacceptable professional conduct and/or conduct that may bring the profession into disrepute

The panel made the following determination in respect of allegations 2(a), 2(b), 2(c) and 3.

The panel was satisfied that the conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession in that Dr Afzal had been both dishonest and lacking in integrity when he chose not to disclose to the School his employment with Sutton Valance school and the nature of the safeguarding issues raised with him which prompted him to end his employment there.

The panel also considered whether Dr Afzal's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of fraud or serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Dr Afzal was guilty of unacceptable professional conduct.

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

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel, therefore, found that Dr Afzal's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 2(a), 2(b), 2(c) and 3 proved, the panel further found that Dr Afzal's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the nature of the offence, which involved a conviction for indecent assault on a female under 16 (and a pupil of Dr Afzal's at the relevant time), as well as the panel's findings against Dr Afzal that he had been both dishonest and lacked integrity by failing to disclose information on his application form to the School (or subsequently during the course of his employment with the School), there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public and upholding proper standards of conduct. His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing his sentence.

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

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

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

Notwithstanding 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 Dr Afzal. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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

- 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 disclosures.
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions, especially where these behaviours had serious consequences.

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

There was no evidence that Dr Afzal's actions were not deliberate.

There was no evidence to suggest that Dr Afzal was acting under extreme duress, and, in fact, the panel found Dr Afzal's actions to be calculated and motivated.

The panel further noted that the bundle contained positive personal references provided to the School at the time of Dr Afzal's appointment, however, there was no compelling evidence to suggest that Dr Afzal demonstrated high standards in his usual professional conduct or contributed significantly to the education sector.

In these proceedings, there was limited evidence of mitigation, regret, remorse or insight on the part of Dr Afzal.

The panel noted Dr Afzal's correspondence to the TRA dated 20 March 2023 in which he expressed belated remorse for his former student and recognised their suffering.

However, the panel noted the sentencing remarks made on 6 May 2022:

[REDACTED]

The panel noted from the sentencing remarks that the victim had suffered from *[REDACTED]* and the judge also stated that the victim *[REDACTED]*.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Dr Afzal of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. In reaching that decision the panel concluded that the public interest considerations outweighed the interests of Dr Afzal, given the very serious nature of his behaviour. 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 recommend that a review period of the order should be considered. 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 behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any sexual misconduct involving a child. The panel found that Dr Afzal was responsible for indecent assault on a female under 16 who was a pupil of Dr Afzal's at the relevant time.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes fraud or serious dishonesty. The panel found that Dr Afzal was responsible for failing to disclose relevant information to the School in his application form and CV or during the course of his employment.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and a relevant conviction.

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

In particular, the panel has found that Dr Afzal 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
 - 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 Dr Afzal involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

The panel finds that the conduct of Dr Afzal fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a relevant conviction for the indecent assault of a child aged under 16 who was Dr Afzal's pupil. This conviction resulted in a prison sentence.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute and 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 Dr Afzal, 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 with reference to Dr Afzal that "His actions raised obvious and significant public and child protection concerns, as was clearly recognised by the court when imposing his sentence." 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, "In these proceedings, there was limited evidence of mitigation, regret, remorse or insight on the part of Dr Afzal." In my judgement, the lack of full insight and remorse demonstrated by Dr Afzal 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 records that it:

"...also took account of the way the teaching profession is viewed by others. The panel considered that Dr Afzal's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. The panel considered that the public would not expect and would be shocked by a teacher indecently assaulting a pupil."

I agree with the panel and am mindful that Dr Afzal's behaviour has the potential to have a very serious negative impact on the public's perception of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute and 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 Dr Afzal himself. The panel observes that it: “...further noted that the bundle contained positive personal references provided to the School at the time of Dr Afzal’s appointment, however, there was no compelling evidence to suggest that Dr Afzal demonstrated high standards in his usual professional conduct or contributed significantly to the education sector.”

A prohibition order would prevent Dr Afzal 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 very serious nature of the misconduct found, and specifically the finding of a relevant conviction for the indecent assault of a child aged under 16. I have also noted that the child in question was one of Dr Afzal’s pupils. In my judgment this behaviour is fundamentally incompatible with being a teacher.

I have also noted the panel’s finding that Dr Afzal demonstrated dishonesty and a lack of integrity in attempting to obscure his teaching history when seeking employment at the School, and its comments regarding the lack of evidence that Dr Afzal has attained full insight into and remorse for his actions.

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Afzal has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

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

In doing so, the panel has made reference to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any sexual misconduct involving a child. The panel found that Dr Afzal was responsible for indecent assault on a female under 16 who was a pupil of his at the relevant time.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes fraud or serious dishonesty. The panel found that Dr Afzal was responsible for failing to disclose relevant information to the School in his application form and CV or during the course of his employment.

I have noted the panel's conclusion:

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

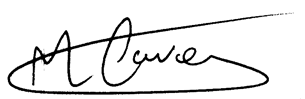
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found and the lack of evidence of full insight and remorse.

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

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

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

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



Decision maker: Marc Cavey

Date: 1 May 2024

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