



Teaching
Regulation
Agency

Mr Zafar Aslam: Professional conduct panel outcome

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

August 2024

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

Teacher:	Mr Zafar Aslam
Teacher ref number:	0513798
Teacher date of birth:	12 November 1979
TRA reference:	20691
Date of determination:	29 August 2024
Former employer:	Co-op Academy Grange, Bradford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 August 2024 by way of a virtual hearing, to consider the case of Mr Zafar Aslam.

The panel members were Ms Aruna Sharma (teacher panellist – in the chair), Mrs Lauren Gray (lay panellist) and Mr Paul Burton (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Miss Aleksandra Manning-Rees of Kingsley Napley LLP solicitors.

Mr Aslam was present and was not represented.

The hearing was recorded and took place in public save that some parts of the submissions of Mr Aslam were given in private.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 13 June 2024.

It was alleged that Mr Zafar Aslam had been convicted of a relevant offence, in that:

1. On 1 April 2023 he was convicted at West Yorkshire Magistrates' Court for the offence of attempt/ engage in sexual communication with a child contrary to the Sexual Offences Act 2003 s15A (1).
2. On 1 April 2023 he was convicted at West Yorkshire Magistrates' Court for the offence of attempt/ cause child under 13 to watch sexual act contrary to the Sexual Offences Act 2003 s12(1)(a).

Mr Aslam admitted that he had been convicted of the two offences. He also admitted that the convictions were for relevant offences.

Preliminary applications

As to whether part of the hearing should be in private

The panel considered an application on behalf of Mr Aslam that the hearing should go into private session when evidence is given, or submissions are made relating to matters of [REDACTED]. There was no objection by the Presenting Officer to the hearing going into private session for those discrete issues whilst the rest of the hearing would take place in public. The panel agreed that, in respect of those discrete issues the public interest in the hearing taking place in public was outweighed by Mr Aslam's rights of privacy and those of [REDACTED]. The remainder of the hearing would be held in public.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of Hearing and response – pages 5 to 19

Section 3: Teaching Regulation Agency documents – pages 20 to 126

Section 5: Teacher documents – pages 127 to 138

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

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

Witnesses

There were no witnesses.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and reached a decision.

Mr Zafar Aslam was employed on a fixed term contract as a Teacher of English at Co-op Academy Grange, Bradford (“the School”). On 8 February 2022, Mr Aslam was arrested by the police at his home address in relation to allegedly engaging in sexual communications with a child and attempting to cause a child to watch an image of sexual activity. His laptops were seized. He was interviewed under caution the same day, but declined to make any comment. He was then placed on police bail whilst the police investigation was conducted. His bail was subject to conditions that he was unable to have any unsupervised contact or electronic contact with anyone aged under 18. Having been suspended by the School on 9 February 2022, the School terminated his employment on 4 March 2022. This was on the basis that his contract of employment had been frustrated by his inability to perform his role as a Teacher because of his bail conditions.

On 18 April 2023, Mr Aslam appeared at West Yorkshire Magistrates’ Court when he pleaded guilty to:

1. attempting to engage in sexual communication with a child, and
2. attempting to cause a child under 13 to watch a sexual act.

He was then committed to the Crown Court for sentence. On 22 June 2023, Mr Aslam appeared at the Crown Court at Bradford when he was sentenced to an effective total of 14 months imprisonment.

Findings of fact

The findings of fact are as follows:

It was alleged that you have been convicted of a relevant offence, in that:

1. On 1 April 2023 you were convicted at West Yorkshire Magistrates' Court for the offence of attempt/ engage in sexual communication with a child contrary to the Sexual Offences Act 2003 s15A(1).

Mr Aslam admitted that he was convicted of this offence. The panel was also provided with a certificate of conviction from the Crown Court at Bradford and a transcript of the sentencing hearing. The transcript confirmed that Mr Aslam had communicated on social media with an [REDACTED] whom Mr Aslam believed to be a child. The transcript recorded the following description of the offence by Mr Recorder Doig:

'The communication began on 24 January. Your username was "[REDACTED]". You started the chat...by saying, "English teacher here". The conversation on that date was brief. It restarted again and obviously became far more serious on 7 February 2022. On that day, it was made clear to you by [Child A] that she was twelve. You replied, "LOL, Cool.

A particularly serious feature of this case is that some of the conversations between you and [Child A] were whilst you were on school premises, a fact confirmed by live images that you sent of the library of the school where you were working. During this conversation at the school, the chat between you turned to sexual matters. You talked about children having teacher crushes, that there are a few girls that like you. You talked to [Child A] about girls sending pictures of themselves to a guy, then will want to "wank" over it and record himself doing so.... This being sent to a person whom you thought was twelve.'

The sentence imposed for this offence was six months imprisonment.

The panel found allegation 1 proved.

2. On 1 April 2023 you were convicted at West Yorkshire Magistrates' Court for the offence of attempt/ cause child under 13 to watch sexual act contrary to the Sexual Offences Act 2003 s12(1)(a).

Mr Aslam admitted that he was convicted of this offence and the panel was presented with a copy of the certificate of conviction. The transcript of the sentencing hearing included the following description of the offence by Mr Recorder Doig:

'You left the school, went home, and shortly before 2.00pm, you sent a picture of yourself and in the bathroom. You got an image of the child that was sent to you. The

conversation again turned sexual. At 2.06pm, you sent a live camera image of your exposed erect penis. You sent a gallery picture of a male exposing his erect penis. You sent a video of a male masturbating his erect penis. All those conversations took place on 7 February.'

The sentence imposed for this offence was 14 months imprisonment, to run concurrently with the sentence of imprisonment for the other offence. In addition, the court imposed a Sexual Harm Prevention Order (SHPO) for a period of five years (i.e. until 21 June 2028). The SHPO contained various prohibitions including the following:

'Seeking or undertaking any employment including voluntary work, whether for payment or otherwise which is likely at some time to allow unsupervised access to a child under the age of 16 years.'

Mr Aslam was also ordered to register with the police in accordance with the Sexual Offences Act 2003 for a period of 10 years.

The panel found allegation 2 proved.

Findings as to conviction of a relevant offence

Having found the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to convictions of relevant offences. Mr Aslam admitted that the convictions were for relevant offences. The panel took these admissions into account, but made its own determination.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- 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 Mr Aslam's actions were relevant to working with children and working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Aslam's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Aslam's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

Mr Aslam acknowledged the seriousness of his actions and accepted that they could not be justified. However, the panel took into account Mr Aslam's explanation of the context in which the offences took place. He said that this was an extremely stressful period, which included the [REDACTED] and the fact that he was [REDACTED] building works rendered the property uninhabitable for an extended period of time. [REDACTED]. Mr Aslam also said that in the period leading up to his offences, the School was a very challenging workplace. Mr Aslam said that ultimately he was [REDACTED]. He said that he had no support network at the time.

Notwithstanding this context, the panel found that these convictions were for relevant offences. This 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 convictions of relevant offences, 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 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 children, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of children, given the serious findings of attempted sexual communication with a child.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Aslam in the profession. The panel heard that Mr Aslam was on the highest point of the upper pay spine scale and was experienced in teaching a core subject in a challenging school environment. The panel was satisfied that Mr Aslam is able to make a valuable contribution to the teaching profession, particularly in relation to the under-representation of ethnic backgrounds within the education sector. Therefore, there was a public interest in retaining Mr Aslam as a teacher, which had to be weighed in the balance along with the other public interest considerations against him.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Aslam.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature;

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 Mr Aslam's actions were not deliberate. There was no evidence to suggest that Mr Aslam was acting under duress. However, as already mentioned, Mr Aslam identified a number of factors in his personal and professional life which created an extremely stressful situation for him.

Mr Aslam did have a previously good history and the offences were out of character. He had no previous convictions and no previous findings against him by the TRA.

Mr Aslam presented a written character reference from a referee [REDACTED]. He said that Mr Aslam had significantly assisted him during his GCSE examinations in 2017. He said that Mr Aslam was *'exceptionally patient and helpful, particularly with English subjects such as poetry, descriptive writing... Throughout my education, I had numerous teachers but [Mr Aslam] stands out as the one who constantly pushed me when I was feeling down, kept me motivated and inspired me to aim high. Later, he continued to informally mentor me, aiding in my career progression... I know I can always rely on him for advice and guidance... We have spoken at length about his past actions and the circumstances that led to his incarceration. Whilst nothing can justify the actions committed he has expressed deep regret for his mistakes, and although it has impacted on my perception of him, I genuinely believe he has much to offer students ... who struggle with their exams, lack inspiration, and need someone from our culture who can empathise and understand the challenges we face.'*

The panel also considered a letter dated 14 May 2024 from a [REDACTED] at the [REDACTED] where Mr Aslam resided after his release from prison. The letter said, *'Having had numerous sessions with him and supporting him, I can see genuine remorse and regret. He wants to put the past behind him and make amends.'*

The panel was also provided with a letter from Mr Aslam's [REDACTED] dated 9 May 2024. This stated that, since his release from prison on 18 January 2024, Mr Aslam has been subject to Probation Licence until 21 August 2024 and he will remain supervised until 21 January 2025. The letter stated that, since his release, Mr Aslam has engaged well and been accepted onto the Horizon Programme, which is an accredited group work programme for men with a conviction for a sexual or sexually motivated offence. The [REDACTED] said, *'Horizon has a strengths-based approach which means it aims to increase psychological, social and emotional strengths to assist participants to desist from crime. It is also future focussed, in that participants are encouraged to set goals to enable them to engage in constructive, positive, offence free future lives, supported by the skills they learn in the programme'*.

Mr Aslam told the panel that he has benefitted from the Horizon programme in that it has provided him with strategies to avoid any repetition of the conduct leading to the offences in the future.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Aslam 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 Mr Aslam and the public interest in retaining him as a teacher. The serious nature of the offences was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 two years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

One of these was:

- serious sexual misconduct e.g. where the act was sexually motivated and had the potential to result in, harm to a person or persons

The Advice also indicates that where a case involves certain other characteristics, 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. None of those were engaged.

The panel recognised that the convictions were for offences for which the public interest might ordinarily weigh in favour of there being no review period. However, the panel took into account the fact that Mr Aslam's convictions arose from conduct on a single day, against a background of no previous convictions. The panel was satisfied that the conduct was out of character. Mr Aslam has expressed remorse for his actions, which the panel regarded as genuine. He did not attempt to excuse his behaviour and fully accepted the seriousness of his actions. The panel was impressed by the fact that Mr Aslam attended the hearing and addressed the panel in person. It was clear to the panel that he had taken time to reflect on his conduct.

Mr Aslam told the panel that he has benefitted from the Horizon programme in that it has provided him with strategies to avoid any repetition of the conduct leading to the offences in the future. The panel concluded that there was not a significant risk of the conduct being repeated.

Against the public interest considerations in favour of prohibition, the panel weighed in the balance the public interest in Mr Aslam having the opportunity to return to teaching after an appropriate period of rehabilitation. The panel felt that Mr Aslam has shown considerable insight into his conduct and has a plan for rehabilitation over a period of years, which the panel regarded as realistic.

The panel had regard to the fact that, as part of his sentence, Mr Aslam was required to register with the police in accordance with the Sexual Offences Act 2003 from 22 June 2023 for a period of 10 years.

After very careful consideration, the panel decided that the findings indicated a situation in which a review period of 10 years from the date of sentence in the Crown Court would be appropriate. Therefore, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for Mr Aslam to apply for a review from 21 June 2033.

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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Zafar Aslam should be the subject of a prohibition order, with a review period of ten years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- 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 Aslam fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a relevant conviction of attempted sexual communication with a child and for attempting to cause a child aged under 13 to watch a sexual act.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of 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 Aslam, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of children, given the serious findings of attempted sexual communication with a child." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel also considered a letter dated 14 May 2024 from a [REDACTED] at the [REDACTED] where Mr Aslam resided after his release from prison. The letter said, *'Having had numerous sessions with him and supporting him, I can see genuine remorse and regret. He wants to put the past behind him and make amends.'*" I have therefore given this element weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Aslam's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community."

I am particularly mindful of the finding of a conviction involving attempted sexual communication with a child and attempting to cause a child aged under 13 to watch a sexual act in this case and the very serious negative 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 Mr Aslam himself and the panel comment “the panel went on to consider whether there was a public interest in retaining Mr Aslam in the profession. The panel heard that Mr Aslam was on the highest point of the upper pay spine scale and was experienced in teaching a core subject in a challenging school environment. The panel was satisfied that Mr Aslam is able to make a valuable contribution to the teaching profession, particularly in relation to the under-representation of ethnic backgrounds within the education sector. Therefore, there was a public interest in retaining Mr Aslam as a teacher, which had to be weighed in the balance along with the other public interest considerations against him”.

A prohibition order would prevent Mr Aslam 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.

I have also placed considerable weight on the finding of the panel that “Mr Aslam told the panel that he has benefitted from the Horizon programme in that it has provided him with strategies to avoid any repetition of the conduct leading to the offences in the future. The panel concluded that there was not a significant risk of the conduct being repeated.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Aslam has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the serious circumstances in this case, 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 10 year review period.

I have considered the panel's comments "The panel recognised that the convictions were for offences for which the public interest might ordinarily weigh in favour of there being no review period. However, the panel took into account the fact that Mr Aslam's convictions arose from conduct on a single day, against a background of no previous convictions. The panel was satisfied that the conduct was out of character. Mr Aslam has expressed remorse for his actions, which the panel regarded as genuine. He did not attempt to excuse his behaviour and fully accepted the seriousness of his actions. The panel was impressed by the fact that Mr Aslam attended the hearing and addressed the panel in person. It was clear to the panel that he had taken time to reflect on his conduct."

The panel has also said that "The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

One of these was:

- serious sexual misconduct e.g. where the act was sexually motivated and had the potential to result in, harm to a person or persons"

In this balancing my decision on whether to allow a review period for this case I have given considerable weight to the seriousness of the findings, including the following "*A particularly serious feature of this case is that some of the conversations between you and [Child A] were whilst you were on school premises, a fact confirmed by live images that you sent of the library of the school where you were working. During this conversation at the school, the chat between you turned to sexual matters. You talked about children having teacher crushes, that there are a few girls that like you. You talked to [Child A] about girls sending pictures of themselves to a guy, then will want to "wank" over it and record himself doing so.... This being sent to a person whom you thought was twelve.*"

I also note that one of the acts which led to Mr Aslam's conviction and imprisonment was him sending a live camera image of his erect penis to a person that he believed to be a child.

In this case, factors mean that allowing a lesser 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 findings and the public interest.

I have considered very carefully the panels comments on mitigation, including the context in which the offences took place, that Mr Aslam accepted the conduct could not be justified and the level of insight and remorse, including steps taken to avoid repetition of the behaviour found proven. However, despite carefully balancing the interest of the teacher with the public interest and the protection of children, I disagree with the panel on review period, I do not feel the panel have given sufficient weight to the seriousness of

the findings, that resulted in imprisonment, and the negative impact those findings have on the profession in maintaining public confidence and keeping children safe.

The breach of the teacher standards remains pertinent to the consideration of review in this case, including “Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.”

I consider therefore that no review period is required to satisfy the maintenance of public confidence in the profession and is proportionate and in the public interest.

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

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

Mr Zafar Aslam has a right of appeal to 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 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 3 September 2024

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