



Teaching  
Regulation  
Agency

# **Mr Shabil Al-Amin Syed: Professional conduct panel outcome**

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

**October 2024**

## Contents

Introduction	3
Allegations	3
Preliminary applications	4
Summary of evidence	7
Documents	7
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	17
Decision and reasons on behalf of the Secretary of State	20

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

<b>Teacher:</b>	Mr Shabil Al-Amin Syed
<b>TRA reference:</b>	20202
<b>Date of determination:</b>	16 October 2024
<b>Former employer:</b>	Childwall Sports and Science Academy, Liverpool (the “School”)

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 14 to 16 October 2024, to consider the case of Mr Syed.

The panel members were Mr Peter Ward (Lay Panellist – in the chair), Mrs Jayne Bamford (Lay Panellist) and Ms Claire Scott (Teacher Panellist).

The Legal Adviser to the panel was Miss Elizabeth Gilbert of Eversheds Sutherland (International) LLP solicitors.

The Presenting Officer for the TRA was Mrs Kiera Riddy of Browne Jacobson LLP solicitors.

Mr Syed was not present and was not represented.

The hearing took place in public, save for parts which were heard in private, and was recorded.

### Allegations

The panel considered the allegations set out in the Notice of Hearing dated 25 July 2024.

It was alleged that Mr Syed was guilty of conduct that may bring the profession into disrepute, in that whilst employed at the Childwall Sports and Science Academy:

1. Owing to his absence from Childwall Sports and Science Academy on 23 June 2021, he provided false and/or inaccurate information to the school, by;
  - a) Informing the school, the reason of his absence on 23 June 2021 was due to his [REDACTED];
  - b) Failing to follow the school’s absence policy;

- c) Failing to disclose his arrest, namely that he was arrested on suspicion of committing (1) s47 assault occasioning actual bodily harm and (2) engage in controlling / coercive behaviour in an [REDACTED];
  - d) Failing to disclose he was subject to a police investigation; and/or
  - e) Failing to indicate there were any concerns regarding child safeguarding.
2. His conduct as may be found proven at Allegation 1 was dishonest and/or lacked integrity.

Mr Syed stated in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024 that he admitted all the allegations.

Mr Syed also admitted the allegations amounted to conduct that may bring the profession into disrepute.

However, given that Mr Syed did not attend the hearing, the allegations were treated as not admitted.

## Preliminary applications

The panel considered the following applications:

### Application to proceed in absence

The panel considered an application from the presenting officer for the hearing to proceed in the absence of Mr Syed.

The panel considered whether the hearing should continue in the absence of Mr Syed.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19(1)(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel took as its starting point the principle from R v Jones [2003] that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis [2016].

In making its decision, the panel has noted that Mr Syed may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003].

Mr Syed responded to the Notice of Hearing dated 25 July 2024 on 31 July 2024 stating that he intended to be present at the hearing. However, the panel considered further evidence that Mr Syed corresponded by email with representatives of the TRA thereafter on 3 September 2024 and 4 September 2024 stating that he could not attend the hearing as he is “unable to take time off work”.

Mr Syed further clarified in an email dated 9 October 2024 to representatives of the TRA that he had “no holidays left, and would have to take unpaid leave if it is granted, which [he] can’t really afford to do”. The panel was therefore satisfied that Mr Syed was aware of the proceedings, having seen the correspondence stating the reason for his absence was due to work commitments.

The panel further considered that Mr Syed stated in an email on 9 October 2024 to representatives of the TRA that he was “unaware that [he] could ask for the date to be postponed”. The panel considered whether Mr Syed would attend a hearing at an alternative date when he would have the ability to take paid leave from work. However, the panel also considered that it saw no evidence of Mr Syed requesting a postponement. Mr Syed also queried in an email on 3 September 2024 to representatives of the TRA “is it possible that the hearing goes ahead without my attendance?”.

Mr Syed had been provided with information regarding the applicable Procedures in the Notice of Hearing dated 25 July 2024 and the Procedures references the process to be adopted if a party wishes to reschedule or adjourn a hearing. The panel therefore determined that Mr Syed had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place and that an adjournment would not necessarily result in Mr Syed attending the hearing.

The panel had regard to the benefit of written evidence provided by Mr Syed, including evidence addressing mitigation, and that it is able to take this into account at the relevant stage. The panel further had regard to the fact that Mr Syed had admitted all the allegations and only raised minor points of dispute with Witness C’s witness statement dated 20 March 2024 in an email dated 9 October 2024 sent to a representative of the TRA, which were not fundamental to any of the allegations or the outcome of the hearing.

The panel noted that witnesses relied upon were to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to Mr Syed, as are reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it. Should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in determining whether the hearing should be adjourned. The panel was

also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Syed's account.

The panel recognised that the allegations against Mr Syed are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that Mr Syed ought to be prohibited from being a teacher.

The panel also recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged was said to have taken place whilst Mr Syed was employed temporarily at the School. The School therefore had an interest in the hearing taking place in order to move forwards. This was especially the case as the allegations against Mr Syed occurred in 2021, meaning a considerable amount of time has already passed.

The panel had regard to the three witnesses that were prepared to give evidence, and that it would be inconvenient for this to be rearranged. Delaying the case may impact upon the memories of those witnesses.

The panel considered that in light of the teacher's waiver of his right to appear, by taking such measures referred to above to address any unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of the hearing continuing.

The panel therefore determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of Mr Syed.

#### Application to exclude the public from the hearing

Mr Syed indicated in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024 that he intended to make an application to exclude the public from the hearing.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Procedures to exclude the public from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted there are concerns about matters relating to Mr Syed's [REDACTED]. The panel balanced the reasons why the public should be excluded from the hearing against the competing reasons for which a public hearing is required.

The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is

preferable to a permanent exclusion of the public. The panel therefore considered whether there are any steps short of excluding the public from all of the hearing that would serve the purpose of protecting matters relating to Mr Syed's [REDACTED].

The panel took account of Mr Syed's written evidence provided by email on 7 September 2021 and 4 September 2024 to representatives of the TRA, whereby several references were made to Mr Syed's [REDACTED].

On this occasion, the panel considered that it was reasonable for the public to be excluded from part of the hearing given the concerns about matters relating to Mr Syed's [REDACTED] being placed in the public domain. The panel did not consider that there were any steps short of excluding the public that would serve the purpose of protecting this sensitive information. However, the panel found the request for the public to be excluded from all of the hearing was not justified and went beyond the extent reasonably necessary to protect information regarding Mr Syed's [REDACTED]. The panel had regard to its experience in dealing with the practicalities of having part of the hearing in private.

For the above reasons, the panel denied the application for the public to be excluded from all of the hearing, but agreed to matters relating to Mr Syed's [REDACTED] to be heard in private.

## Summary of evidence

### Documents

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

Section 1: Notice of Hearing and response – pages 5 to 15

Section 2: Chronology – page 20

Section 3: Teaching Regulation Agency witness statements – pages 22 to 74

Section 4: Teaching Regulation Agency documents – pages 76 to 122

Section 5: Teacher documents – pages 126 to 130

In addition, the panel agreed to accept the following documents submitted by the presenting officer:

- Application form to proceed in absence dated 4 October 2024; and
- Written statement from Mr Syed dated 9 October 2024 in response to the presenting officer's application dated 4 October 2024.

The panel confirmed they had read all of the documents in advance of the hearing.

## Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A – [REDACTED]
- Witness B – [REDACTED]
- Witness C – [REDACTED].

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Syed was employed as a teacher on a supply basis on behalf of Tradewind Recruitment at the School from 14 February 2020 until 25 June 2021.

On 25 June 2021, Mr Syed was informed not to return to work at the School whilst a police investigation was ongoing.

On 7 July 2021, the School withdrew Mr Syed's offer of permanent employment in light of his arrest and ongoing police investigation.

The police confirmed on 14 July 2021 that the case against Mr Syed was finalised and there were no further criminal proceedings.

On 6 August 2021, Mr Syed was referred to the TRA.

## 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:

- 1. Owing to your absence from Childwall Sports and Science Academy on 23 June 2021, you provided false and/or inaccurate information to the school, by;**
  - a) Informing the school, the reason of your absence on 23 June 2021 was due to your [REDACTED];**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

Witness B gave evidence that Mr Syed left a voicemail message on the School's absence telephone line "between 9:30am and 10:00am" on 23 June 2021 stating that he would be absent from work at the School that day due to his [REDACTED]. Witness B



confirmed that they did not listen to the voicemail message directly and was informed of the contents of the message by the supervisor in charge of monitoring the line. The panel therefore had regard to Witness B not being the direct source of this information.

Witness C also confirmed in their evidence that they had been informed by colleagues at the School on 23 June 2021 that Mr Syed was absent due to his [REDACTED]. The panel again noted that Witness C did not listen to the voicemail message directly but acknowledged that evidence from both Witness B and Witness C was consistent in this regard.

Witness B further stated in oral evidence that they attended a meeting with Mr Syed upon his return to work on 24 June 2021 to undertake a wellbeing check and to discuss Mr Syed's absence. Mr Syed disclosed to Witness B at the meeting that they lied about his [REDACTED] on the voicemail message, and that his absence on 23 June 2021 was instead due to [REDACTED].

Mr Syed provided a written statement to Tradewind Recruitment by email on 27 June 2021 in response to the allegation against him stating that he "lied about the situation to work". Mr Syed further confirmed that the reason for his absence from the School on 23 June 2021 was his [REDACTED].

Mr Syed provided a further written statement to representatives of the TRA by email on 7 September 2021 in response to the allegation stating that he "felt embarrassed about the whole situation and didn't want the staff room gossiping about [his] personal life, [he] therefore made up a different story of what happened".

The panel saw no evidence to confirm that Mr Syed's absence from School on 23 June 2021 was due to his [REDACTED].

The panel considered that Mr Syed's written evidence is consistent with the evidence given by Witness B and Witness C, being that Mr Syed's reason for absence provided via the School's absence line on 23 June 2021 was his [REDACTED] but that he admitted to this reason being false on 24 June 2021 upon his return to work.

The panel therefore found allegation 1(a) proved.

#### **b) Failing to follow the school's absence policy;**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

The panel considered the School's absence policy, titled "Sickness Absence Policy", which was exhibited to Witness B's and Witness C's written evidence and referred to therein. The panel noted paragraph 5.4 of the policy which states school based employees should normally telephone the employee absence line as early as possible and "no later than 7:30am". The panel also considered paragraph 5.5 of the policy which

states notification of an absence by text message or email is “not acceptable, unless in exceptional circumstances”.

The panel considered that Mr Syed would have been aware of the School’s absence policy, as Witness B and Witness C both confirmed in their oral evidence that the policy is provided to a teacher at the outset of their employment. Whilst the panel acknowledged there were minor differences in their evidence, for example regarding whether a hard copy or electronic copy of the School’s absence policy would have been provided to Mr Syed, the panel found that it was also in Mr Syed’s professional capacity to locate and review the policy. The panel therefore found that Mr Syed was or should have been aware of the School’s absence policy.

As referred to above, the panel noted Witness B’s oral evidence that Mr Syed left a voicemail on the employee absence line around 9:30am to 10:00am on the day of his absence on 23 June 2021. Witness B further gave evidence that it “came to light” that Mr Syed contacted a manager at the School via text message around 1:12am on 23 June 2021 to inform them of a [REDACTED]. Witness B confirmed that they had not seen the text message but was informed of its contents by the colleague that received the message. Witness B understood that the colleague who received the message did not interpret it to be a formal notification of his absence from the School. The panel had regard to the fact that Witness B was not the direct source of this information.

Witness C corroborated Witness B’s evidence that a text message was received by a colleague at the School in the “early hours” of the morning on 23 June 2021. Again, Witness C confirmed that they had not seen the text message and therefore the panel had regard to Witness C not being the direct source of the information. However, both Witness B and Witness C’s positions were consistent.

Based on the evidence, the panel noted that Mr Syed made two attempts to inform the School of his absence on 23 June 2021, by text message around 1:00am on 23 June 2021 to a colleague at the School and then again around 9:30am to 10:00am via the School’s absence line. The panel therefore determined that both notifications failed to comply with paragraph 5.4 of the absence policy, as the notifications were via the incorrect means and out of time, respectively. However, the panel acknowledged the word “normally” and “exceptional circumstances” referenced in the policy at paragraph 5.4 and 5.5 respectively, confirming that the absence policy permits deviations in certain circumstances. The panel therefore went on to determine if Mr Syed’s circumstances were abnormal or exceptional circumstances.

Witness B and Witness C both gave evidence that abnormal or exceptional circumstances under the absence policy would amount to situations where a teacher is unable to communicate with the School, such as in a medical emergency. Witness C stated in their oral evidence they would not consider an [REDACTED] to be an abnormal or exceptional circumstance which would permit a deviation from the policy.

The panel considered a letter issued by the police to Mr Syed and a police case summary which was provided as evidence. The panel noted the letter states that Mr Syed was alleged to have committed two offences on 21 June 2021. The panel further noted the police case summary confirms the same, and also states that the police arrived at Mr Syed's address at 00:08am on 23 June 2021 and arrested Mr Syed for those offences. The panel therefore acknowledged the timings of Mr Syed's arrest were consistent with the timings of Mr Syed's text message to a colleague at the School to inform them of his absence.

Whilst there was evidence to suggest that Mr Syed was arrested and detained in the morning of 23 June 2021, the panel saw no evidence to confirm that Mr Syed's circumstances meant that he was unable to contact the School prior to 7:30am via the absence line. The panel therefore determined that there was insufficient evidence to confirm that Mr Syed had abnormal or exceptional circumstances allowing him to deviate from the policy.

Additionally, Mr Syed did not provide the School with accurate information when informing them of his absence, meaning he had generally failed to comply with providing the School his reason for absence.

The panel appreciated that Mr Syed made attempts to inform the School regarding his absence. However, the panel noted that Mr Syed had not informed the School of his absence via the employee absence line prior to 7:30am, in line with the School's absence policy, and that no exceptional or abnormal circumstances applied.

The panel therefore found allegation 1(b) proved.

**c) Failing to disclose your arrest, namely that you were arrested on suspicion of committing (1) s47 assault occasioning actual bodily harm and (2) engage in controlling / coercive behaviour [REDACTED];**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

The panel considered a letter issued by the police to Mr Syed and a police case summary admitted as evidence. The panel noted from the letter that the police refer to two alleged offences occurring on 21 June 2021 for which Mr Syed had been investigated, those being "assault a person thereby occasioning them actual bodily harm" and "engage in controlling / coercive behaviour in [REDACTED]". The police case summary further confirmed that [REDACTED] contacted the police on 21 June 2021 after an incident occurred [REDACTED], and that he was arrested on 23 June 2021 regarding an "allegation of section 47 assault as well as cohesive and controlling behaviour".

The panel further considered an email from the police dated 14 July 2021 sent to a representative of Mr Syed, which stated Mr Syed's offence on 21 June 2021 of "assault a

person thereby occasioning them actual bodily harm” had been finalised and that there were no further criminal proceedings.

The panel acknowledged the letter and email from the police was consistent in using the custody reference number “C21022891”. Each of the letter, email and case summary from the police also referred to the alleged offence of an assault and are consistent with regard to the date of the matters that had been under investigation. Each of the letter and case summary from the police was also consistent in relation to the offence of controlling behaviour.

[REDACTED]

The panel was therefore satisfied that Mr Syed was arrested on suspicion of committing assault and controlling behaviour based on the consistent police evidence, Witness A’s evidence and Mr Syed’s admission.

The panel heard evidence from Witness C, that they first became aware of Mr Syed’s arrest on 25 June 2021 as Witness A contacted them to confirm this information. This evidence was consistent with Witness B’s account of events, as they stated that Witness C explained to them on 25 June 2021 “that Mr Syed had been arrested earlier in the week” following a discussion that they had with Witness A.

Witness C confirmed in oral evidence that Mr Syed was in attendance at the School and teaching during the 24 June 2021 and 25 June 2021. The panel therefore considered that Mr Syed had ample opportunity to disclose his arrest to the School during this time, given his arrest was on 23 June 2021. This was especially the case as the panel heard oral evidence from Witness B regarding their meeting on 24 June 2021 which lasted “approximately 45 minutes”. The panel concluded that Mr Syed’s arrest should have been disclosed during this meeting, but Mr Syed instead provided inaccurate information regarding his [REDACTED] as he omitted to disclose his arrest.

The panel saw no evidence that Mr Syed had disclosed his arrest to the School and the panel was therefore satisfied that Mr Syed failed to disclose this. The panel noted that the School only became aware of Mr Syed’s arrest due to a conversation between Witness A and Witness C on 25 June 2021.

The panel therefore found allegation 1(c) proved.

**d) Failing to disclose you were subject to a police investigation; and/or**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

As the panel had found allegation 1(c) proved, relating to Mr Syed’s failure to disclose his arrest, the panel had regard to the same set of evidence and was satisfied that Mr Syed was subject to a police investigation given the evidence provided by the police, Witness

C and Mr Syed's admission. In particular, the panel noted the letter from the police given in evidence refers to "the offences for which [Mr Syed was] recently investigated".

The panel again considered evidence from Witness C, being that they first became aware of Mr Syed's arrest and ongoing investigation on 25 June 2021 following a telephone call from Witness A.

As considered in relation to allegation 1(c), the panel noted that Mr Syed had several opportunities to disclose to the School that he was under police investigation given he was teaching during 24 June 2021 and 25 June 2021 following his arrest and would have been aware that he was under police investigation during this time.

Even when directly questioned by Witness B during a meeting on 24 June 2021 regarding his absence from the School, Mr Syed omitted to declare that he was under a police investigation and instead provided inaccurate information regarding his absence [REDACTED]. The panel considered that this was not an accurate reflection of the circumstances.

The panel saw no evidence that Mr Syed disclosed to the School that he was subject to a police investigation and the panel was therefore satisfied that he did not disclose this. The panel noted that the School only became aware that Mr Syed was under a police investigation due to a conversation between Witness A and Witness C on 25 June 2021.

The panel therefore found allegation 1(d) proved.

#### **e) Failing to indicate there were any concerns regarding child safeguarding**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

[REDACTED].

The panel also had regard to the police letter, email and case summary, as referred to above, which was consistent with the allegations [REDACTED].

Mr Syed outlined in his written statement provided by email to the TRA on 27 June 2021 that on 23 June 2021, [REDACTED].

Mr Syed stated in a further written statement provided to the TRA by email on 4 September 2024 that he understood that allowing [REDACTED].

In light of the evidence provided by the police, Witness A and Mr Syed's admissions, the panel was satisfied that there were safeguarding concerns relating to [REDACTED].

The panel noted that Mr Syed had ample opportunity to disclose the safeguarding concern regarding [REDACTED] to the School at any point during his time teaching on

24 June 2021 and 25 June 2021 following the incident placing [REDACTED] at potential harm.

The panel had regard to Witness B's oral evidence, that disclosures of safeguarding would ordinarily be made to the headteacher, deputy headteacher or the safeguarding lead at the School. However, none of these individuals were informed of safeguarding concerns by Mr Syed [REDACTED].

At the meeting between Mr Syed and Witness B on 24 June 2021, Mr Syed had the opportunity to disclose safeguarding concerns [REDACTED] but he failed to do so and instead [REDACTED] which the panel determined not to be an accurate reflection of his circumstances.

The panel heard consistent evidence from Witness B and Witness C that the School was first made aware of safeguarding concerns [REDACTED] on 25 June 2021 due to information provided by Witness A. [REDACTED].

The panel saw no evidence to support that Mr Syed had indicated there were any concerns regarding the safeguarding [REDACTED] to the School.

The panel therefore found allegation 1(e) proved.

## **2. Your conduct as may be found proven at Allegation 1 was dishonest and/or lacked integrity.**

Mr Syed admitted the allegation in his response dated 31 July 2024 to the Notice of Hearing dated 25 July 2024.

The panel considered whether Mr Syed had failed to act with integrity and/or was dishonest by his conduct in allegation 1. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority* [2018] in respect of integrity and the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* [2017] in respect of dishonesty. The panel was mindful of the legal advice it received and that the concepts of dishonesty and integrity are separate and distinct. Integrity is a more nebulous concept than honesty for which it is not possible to formulate an all-purpose comprehensive definition but connotes adherence to the ethical standards of one's own profession.

The panel was satisfied that Mr Syed failed to put the interests of the School [REDACTED] first by failing to disclose the real reason for his absence from the School on 23 June 2021, his arrest, the police investigation or the safeguarding concerns, and that this fell below the ethical standards expected of a teacher given the importance of safeguarding obligations.

The panel recognised that as a teacher, Mr Syed demonstrated a lack of accountability when he had the opportunity to disclose the real reason for his absence before [REDACTED] had contacted the School.

The panel considered that, by reference to Part 2 of the Teachers' Standards, Mr Syed was in breach of the following standards:

- 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; and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Mr Syed's conduct also breached the following obligations in Keeping Children Safe in Education:

- If staff have any concerns about a child's welfare, they should act on them immediately; and
- If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

The panel was therefore satisfied that Mr Syed's conduct lacked integrity.

In reaching a decision in respect of dishonesty, the panel needed to first ascertain, subjectively, the actual state of Mr Syed's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Syed's state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mr Syed's knowledge or belief as to the facts. The panel noted that Mr Syed was aware that he was untruthful when he contacted the School about the reason why he was going to be absent from work.

The panel noted that Mr Syed stated that he "felt embarrassed" in an email to representatives of the TRA on 7 September 2021 and therefore lied about the real reason for his absence from the School as he didn't want his colleagues to gossip about his personal life.

The panel acknowledged the evidence provided by Witness B, that Mr Syed returned to the School on 24 June 2021, apologised and admitted that he lied about [REDACTED]. Mr Syed stated instead the reason for absence was due to [REDACTED]. Whilst the panel considered that Mr Syed was honest to the extent of admitting that [REDACTED] was not the reason for his absence, the panel noted that Mr Syed still failed to provide the School with the full truth regarding his absence and was aware of his wrongdoing due to his apology.

The panel considered that Mr Syed understood what he was doing to be wrong, especially as Mr Syed stated in an email to representatives of the TRA on 4 September 2024 that he knew lying to the School was "not the right thing to do".

The panel further considered that Mr Syed's concealment of his arrest was likely due to the fear that this would put his offer of permanent employment at the School at risk, given Mr Syed's written statement provided to Tradewind Recruitment on 27 June 2021 makes reference to his new contract with the School being jeopardised.

In weighing up the evidence as to Mr Syed's knowledge of the facts, the panel considered that Mr Syed understood his conduct to be dishonest.

The panel then considered the objective standards of the ordinary honest person and was further satisfied that an ordinary honest person would not lie to their employer regarding their reason for absence at work and would place the interests of a child's safeguarding above their own interests.

For the reasons set out above, the panel found allegation 2 proved.

### **Findings as to conduct that may bring the profession into disrepute**

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conduct that may bring the profession into disrepute.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of 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 that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Syed's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice". The panel found that the offence of serious dishonesty was relevant. Mr Syed maintained his dishonesty despite having the opportunity to tell the truth and continued to teach without acknowledging the safeguarding risk to pupils in his care.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel considered that Mr Syed's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Syed's actions constituted conduct that may bring the profession into disrepute.



## Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour, any mitigation offered by Mr Syed, and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the safeguarding and wellbeing of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession; and
- the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of Mr Syed's failure to disclose a safeguarding concern regarding [REDACTED].

In light of the panel's findings against Mr Syed, which involved dishonesty, lack of integrity and the failure to follow safeguarding procedure, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Syed was 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 Syed was outside that which could reasonably be tolerated.

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

The panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Syed.

The panel carefully considered 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 Mr Syed breached the trust placed in him by the School by failing to disclose his arrest and safeguarding concerns [REDACTED].

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;
- failure to act on evidence that indicated a child's welfare may have been at risk, e.g., failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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); and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions.

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, the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

The panel considered that Mr Syed's actions were deliberate, given that he was provided sufficient opportunity to disclose the real reason for his absence during the course of his teaching day on 24 June 2021 and 25 June 2021. The panel noted that it was only because of Witness C providing information to the School on 25 June 2021 regarding Mr Syed's arrest and the safeguarding concerns that these incidents came to light. The panel did however acknowledge that Mr Syed was likely to have been [REDACTED] around the time of incident due to his arrest [REDACTED].

The panel noted there was no evidence to suggest that Mr Syed was acting under duress, such as due to a physical threat or significant intimidation.

The panel had no reason to doubt that Mr Syed had a previously good history of teaching. The panel noted two references were provided in evidence that the School obtained at the time Mr Syed was employed, which could attest to his previous abilities as a teacher. The panel acknowledged these references were not produced for the purpose of these proceedings, nor would the referees have had any knowledge of the conduct found proven in this case.

The panel saw no evidence that showed Mr Syed was previously subject to disciplinary proceedings or warnings.

Mr Syed did not provide any statements from previous colleagues or representatives of the School, by way of example, attesting to his teaching ability. Therefore, there was no evidence of Mr Syed having demonstrated exceptionally high standards in his profession.

The panel noted Mr Syed's written statement provided by email to representatives of the TRA on 7 September 2021 stated that he was "recognised for [his] service to the community" as he was selected to stand as a labour councillor candidate for his local ward and also volunteered as a COVID-19 vaccinator with St John's Ambulance. The panel further considered two articles in the Liverpool Echo which discussed Mr Syed's contribution as a councillor candidate and as a volunteer which was provided as evidence by Mr Syed. Whilst the panel acknowledged they were unable to test this evidence, the panel considered that Mr Syed had displayed good character in contributing to his community.

Mr Syed further stated in his written statement provided by email to representatives of the TRA on 7 September 2021 that he previously had a good history, with an "impeccable record in work, both in conduct with staff and students". As above, the panel noted that no supporting evidence was provided but considered that it had no reason to doubt Mr Syed's previous record.

The panel noted that Mr Syed showed a high level of insight and remorse for his conduct. Mr Syed admitted all the allegations and noted in an email to representatives of the TRA on 4 September 2024 that lying to the School was "not the right thing to do". Mr Syed also confirmed that he understood that his actions at the time were not that of someone who should be working with children.

The panel also considered that Mr Syed stated in an email to representatives of the TRA on 4 September 2024, in response to the allegations, that he had [REDACTED]. The panel therefore considered that Mr Syed was going through a significant event in his life which was likely to impact on his behaviour.

Mr Syed further stated in an email to representatives of the TRA on 25 September 2021 that he reflected on his conduct and has taken steps to rectify this, by attending [REDACTED].

The panel recognised the findings against Mr Syed stemmed from one incident whereby Mr Syed was untruthful to the School about the reason for his absence on 23 June 2021. The panel further considered that they had seen no evidence that Mr Syed's conduct has been repeated. The panel considered this to be particularly relevant given the length of time since the incident occurred over three years ago. As such, whilst the panel considered the findings to be serious, the panel determined Mr Syed's conduct to be a temporary lapse of judgement, spanning over a period of a few days, [REDACTED].

The panel acknowledged there were findings of a safeguarding risk [REDACTED] as allegation 1(d) was found proven. However, this case did not contain findings of any pupils being placed at harm by Mr Syed's conduct. The panel had regard to the strategy meeting held by [REDACTED] on 28 July 2021 which found no evidence that Mr Syed presented a risk to working with children.

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 had regard to the case of *Wallace v Secretary of State for Education* [2017] and the relevant test for the definition of proportionality, namely whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objectives and whether, having regard to these matters and the severity of the consequences for the individual, a fair balance can be struck between the rights of the individual and the interests of the public. The panel found that this was particularly relevant in Mr Syed's case.

The panel recognised that if Mr Syed pursued a career in the education setting, he would be required to declare this public finding. The panel considered that a public finding of his conduct that may bring the profession into disrepute would in itself convey some moral blameworthiness to the ordinary citizen and a public finding of this nature is also likely to affect Mr Syed's professional reputation.

Having carefully taken into account the public interest considerations, the panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum in the panel's experience and, having considered all the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel's view was that a prohibition order would be disproportionate in the circumstances, as the panel considered the risk of repetition was low having regard to Mr Syed's remorse and that the findings resulted from one incident [REDACTED].

## **Decision and reasons on behalf of the Secretary of State**

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

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

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

The panel has recommended that the findings of conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Shabil Al-Amin Syed is in breach of the following standards:

- 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; and
- 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 Mr Syed involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Syed fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of dishonesty and a lack of integrity in providing false or inaccurate information to the school.

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 conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Syed, 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. I give particular weight to the panel's finding:

“The panel acknowledged there were findings of a safeguarding risk [REDACTED] as allegation 1(d) was found proven. However, this case did not contain findings of any pupils being placed at harm by Mr Syed's conduct. The panel had regard to

the strategy meeting held by [REDACTED] on 28 July 2021 which found no evidence that Mr Syed presented a risk to working with children.”

I have also taken into account the panel’s comments on insight and remorse, which the panel has set out as follows:

“The panel noted that Mr Syed showed a high level of insight and remorse for his conduct. Mr Syed admitted all the allegations and noted in an email to representatives of the TRA on 4 September 2024 that lying to the School was “not the right thing to do”. Mr Syed also confirmed that he understood that his actions at the time were not that of someone who should be working with children.”

The panel has also commented that “the risk of repetition was low having regard to Mr Syed’s remorse and that the findings resulted from one incident [REDACTED].” 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 has observed:

“In light of the panel’s findings against Mr Syed, which involved dishonesty, lack of integrity and the failure to follow safeguarding procedure, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Syed was not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that 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 conduct likely to bring the profession into disrepute, 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 Syed himself. The panel has observed that it had no reason to doubt that Mr Syed had a previously good history of teaching, but that there was no evidence that he had demonstrated exceptionally high standards in the profession. The panel had sight of two references from the time Mr Syed was employed by the school, which attested to his previous abilities as a teacher. It also noted evidence from Mr Syed of his service to the community.

A prohibition order would prevent Mr Syed 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 panel's comments that the finding of conduct likely to bring the professional into disrepute was related to a single incident at a time when Mr Syed was [REDACTED], and that there had been no repetition of this behaviour. The panel has said:

"The panel recognised the findings against Mr Syed stemmed from one incident whereby Mr Syed was untruthful to the School about the reason for his absence on 23 June 2021. The panel further considered that they had seen no evidence that Mr Syed's conduct has been repeated. The panel considered this to be particularly relevant given the length of time since the incident occurred over three years ago. As such, whilst the panel considered the findings to be serious, the panel determined Mr Syed's conduct to be a temporary lapse of judgement, spanning over a period of a few days, [REDACTED].

I have also placed considerable weight on the finding of the panel on the high level of insight and remorse shown by Mr Syed.

Although dishonesty is serious misconduct, I agree with the panel that, in this case, the nature and severity of this behaviour were at the less serious end of the possible spectrum, and that there is a low risk of repetition

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 18 October 2024**

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