



Teaching
Regulation
Agency

Mr Daniyal Burney: Professional conduct panel hearing outcome

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

February 2025

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

Teacher:	Mr Daniyal Burney
Teacher ref number:	1888716
Teacher date of birth:	21 September 1997
TRA reference:	22480
Date of determination:	26 February 2025
Former employer:	St Margaret's School, Hertfordshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 – 26 February 2025 by way of a virtual hearing, to consider the case of Mr Daniyal Burney.

The panel members were Mr Terry Hyde (former teacher panellist – in the chair), Mrs Beverley Montgomery (lay panellist) and Mrs Bev Williams (teacher panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan LLP.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley solicitors.

Mr Daniyal Burney was present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 01 October 2024.

It was alleged that Mr Daniyal Burney was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a Teacher of Religious Studies at St Margaret's School ("the School"):

1. Between around December 2022 and July 2023, he exchanged emails of an informal and/or inappropriate nature with:
 - a. Pupil A and/or;
 - b. Pupil C and/or;
 - c. Pupil D.
2. Between around May 2023 and July 2023, he contacted Pupil A on Instagram and/or WhatsApp.
3. In or around July 2023, he searched for Pupil C on Instagram and/or told Pupil C he had found them on Instagram.
4. On or around 25 July 2023, he sent Pupil A messages on WhatsApp, despite being told not to contact individuals at school, including pupils, upon his suspension on 5 July 2023
5. On or around 27 July 2023, he informed Colleague A that the communication with Pupil A had ended about a week before prom and/or on 31 July 2023, he told Colleague A that he had not had contact with Pupil A since before prom, when this was not true.
6. His conduct at paragraphs 1 and/or 2 and/or 3 was sexually motivated;
7. His conduct at paragraph 4 demonstrated a lack of integrity.
8. His conduct at paragraph 5 was
 - a. dishonest; and/or
 - b. demonstrated a lack of integrity.

Mr Burney made admissions to Allegation 1a, Allegation 1b, Allegation 1c, Allegation 2, Allegation 3, Allegation 4 and Allegation 5. He denied Allegation 6. He also made admissions to Allegation 7, Allegation 8a and Allegation 8b.

Mr Burney also admitted that his actions in respect to the allegations that he accepted, amounted to both unacceptable professional conduct and also, conduct that may bring the profession into disrepute.

Preliminary applications

Application to conduct proceedings in private

The panel considered an application from Mr Burney that the hearing should be held partially in private. The application was supported by the TRA. The panel also heard and accepted legal advice in respect of this application.

Mr Burney invited the panel to consider that due to the sensitive nature of some of the material that was due to be heard as part of the proceedings, it would be in the interests of justice for these matters to be dealt with privately. [REDACTED] It was advanced that there was no public interest in this material being heard in public. The TRA agreed with this position.

The panel therefore determined that the matter would proceed in public, but that it would be sure to deal with the material as raised by Mr Burney in private.

Application for special measures

The panel heard an application from the TRA in respect of the witness, Colleague A, whereby it requested for her to have a witness supporter. The application was not opposed by Mr Burney. The TRA heard and accepted legal advice in respect of this application.

The TRA invited the panel to consider that it had the discretion to exercise its power to direct that a witness supporter be facilitated, to assist with the quality of the evidence that the witness was to give. The TRA advised that Colleague A had suggested that the presence of a witness supporter would enable her to give better quality evidence than if she were to attend alone, due to her apprehensions.

The panel, having heard from the parties, accordingly determined that Colleague A be allowed to attend with her witness supporter. The witness supporter who joined Colleague A during her evidence was [REDACTED]

Summary of evidence

Documents

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

Section 1: Chronology and key people list and anonymised pupil list – pages 4 to 6

Section 2: Notice of hearing and response – pages 7 to 22

Section 3: Teaching Regulation Agency witness statements – pages 23 to 42

Section 4: Teaching Regulation Agency documents – pages 43 to 676

Section 5: Teacher documents – pages 677 to 701

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing [and the additional documents that the panel decided to admit].

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2022, (the “Procedures”).

Witnesses

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

Colleague A, [REDACTED]

Colleague B, [REDACTED]

The panel also heard from Mr Burney who gave oral evidence.

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 Burney was employed as a Teacher of Religious Studies at St Margaret’s School on 1 September 2020. Between December 2022 and July 2023, he exchanged a series of emails and messages with Pupil A, Pupil C and Pupil D. Following the school prom which was on 23 June 2023, allegations arose in respect of Mr Burney’s communication with Pupil A. The School referred the concern to the LADO on 30 June 2023. Mr Burney also allegedly searched for Pupil C on Instagram in July 2023.

Colleague B met with Pupil A's parents on 3 July 2023 and a LADO meeting was convened on the same day. Mr Burney was suspended from the school on 5 July 2023 and the school's investigation began on the same day. A further LADO meeting took place on 2 August 2023. Following a disciplinary meeting on 14 August 2023, the matter was referred to the TRA on 11 September 2023.

Evidence

The panel heard the live evidence of Colleague A and B, it also heard from Mr Burney and it considered and read the witness statements of the aforementioned parties. In addition, the panel had sight of the witness statement of Amicie Knowles, senior paralegal at Kingsley Napley.

In addition, the panel had sight of a range of investigative material, including interviews with the pupils who Mr Burney was alleged to have engaged with. A range of screenshots demonstrating emails, WhatsApp messages and other forms of communication between Mr Burney and pupils were presented as part of the TRA's case.

In considering the allegations, the panel formed its own, independent view based on the evidence presented to it.

The panel was mindful of the need to exercise its own independent judgement and not rely upon any opinions recorded. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

The panel was also mindful that it had seen some hearsay evidence within this case. In the absence of hearing from these individuals, and being able to test their accounts, this evidence was treated with caution by the panel.

Where such evidence was relied upon, it is addressed in the panel's reasons, below.

In assessing what weight to attach to this hearsay evidence, the panel considered all of the circumstances, including the extent to which it was supported or contradicted by other oral and documentary evidence in this case.

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 are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher of Religious Studies at St Margaret's School ("the School"):

1. Between around December 2022 and July 2023, you exchanged emails of an informal and/or inappropriate nature with:

a. Pupil A and/or;

b. Pupil C and/or;

c. Pupil D.

The panel acknowledged that Mr Burney admitted to this allegation in full. Additionally, the panel noted that it had seen significant material that supported the allegation. Notably it had been presented with screenshots of email exchanges between Mr Burney and Pupil A, Pupil C and Pupil D which it was satisfied took place between December 2022 and July 2023. The panel also noted that these screenshots were corroborated by the hearsay accounts of the respective pupils within the investigative reports, it therefore determined that it could afford significant weight to this material. The panel was satisfied that the correspondence was both informal and inappropriate within the conventional meaning of the words. The panel was therefore satisfied that it could accept the admissions in full.

The panel therefore found Allegation 1a, Allegation 1b and Allegation 1c proved.

2. Between around May 2023 and July 2023, you contacted Pupil A on Instagram and/or WhatsApp.

The panel heard directly from Mr Burney who admitted this allegation. Additionally, the panel were satisfied that it had seen evidence that there was communication between Mr Burney and Pupil A using both Instagram and WhatsApp messaging system through screenshots that were provided as part of the TRA's case. The panel also considered the hearsay account of Pupil A, as present within the investigative material, whereby she

stated that such communication took place. The panel determined that it could afford to treat Pupil A's hearsay account as credible, and therefore afford significant weight to it due to the fact that it was corroborated by the screenshots. The panel therefore accepted Mr Burney's admission.

Accordingly, the panel found Allegation 2 proved.

3. In or around July 2023, you searched for Pupil C on Instagram and/or told Pupil C you had found them on Instagram.

Mr Burney admitted this allegation at the outset of the hearing. The panel noted that it had sight of an email from July 2023 whereby Mr Burney had stated to Pupil C that he had found her Instagram account. The panel accordingly determined that it could accept Mr Burney's admission.

Allegation 3 was therefore found proved.

4. On or around 25 July 2023, you sent Pupil A messages on WhatsApp, despite being told not to contact individuals at school, including pupils, upon your suspension on 5 July 2023

At the beginning of the hearing, Mr Burney admitted this allegation. The panel also noted that it had sight of correspondence between Mr Burney and Pupil A that occurred after the 5 July 2023. It was also satisfied that it had seen a letter informing Mr Burney not to contact pupils which was dated 5 July 2023. The panel heard directly from Colleague B, who advised that she had handed the letter directly to Mr Burney and he also confirmed during his live evidence that he had read the letter at the relevant time. The panel was therefore satisfied that Mr Burney had been sufficiently advised not to contact pupils, and that he had acted contrary to this advice.

The panel accordingly found Allegation 4 proved.

5. On or around 27 July 2023, you informed Colleague A that the communication with Pupil A had ended about a week before prom and/or on 31 July 2023, you told Colleague A that you had not had contact with Pupil A since before prom, when this was not true.

The panel acknowledged that this allegation was admitted by Mr Burney. In addition, the panel was satisfied, having heard evidence to this effect from Mr Burney and Colleague A, that the school prom took place on 23 June 2023. The panel was satisfied that Mr Burney had communicated with Pupil A after this, and noted that through his own admission, during his live evidence he confirmed that he had exchanged messages with

Pupil A on 22 July 2023, the date of a colleague's wedding.

The panel had sight of the contemporaneous records of the investigative meetings of both 27 July 2023 and 31 July 2023 and noted that Mr Burney had advised that he had not had contact with Pupil A since before the prom. It noted that he had equivocated when asked whether he had been truthful in his initial account, during the second investigative meeting in respect of this. The panel noted that when this was discussed during live evidence, Mr Burney appeared to state that he was unable to recall why he said that he had not spoken to Pupil A since before the prom, despite having been in communication with her on 22 July 2023. The panel therefore questioned the basis on which, or to what extent Mr Burney accepted the allegation, noting that he appeared to indicate that he was not in a position to recall whether he had contact with Pupil A. However, the panel was satisfied on the balance of probabilities that the contact had happened, and that Mr Burney had said on both occasions that it had not.

Accordingly the panel found Allegation 5 proved.

6. You conduct at paragraphs 1 and/or 2 and/or 3 was sexually motivated;

The panel took care with respect of this allegation and was sure to consider the submissions made by the parties and also the legal advice that it had received. It noted the authority of *Basson v GMC* [2018] EWHC 505 (Admin), which defined a sexual motive as done either for sexual gratification or in pursuit of a future sexual relationship. It also bore in mind the fact that it was to make a determination based on inferences that could be drawn on the basis of facts found. The panel acknowledged *Arunkalaivanan v General Medical Council* [2014] EWHC 873 (Admin), whereby the Court stated that tribunals should be careful not to equate inappropriate conduct with sexually motivated conduct and should address the important question as to whether there could be any other explanation for inappropriate conduct.

The panel considered that Mr Burney's conduct in respect of his communication with pupils could be characterised as persistent and it particularly noted the volume of messages that he had sent to students, recognising that in respect of Pupil C he had exchanged over 200 emails on a Saturday which took place from 9AM to 11PM. It was also cognizant that he had changed communication method with students throughout the process, noting that through his live evidence Mr Burney admitted that he had obtained Pupil C's telephone number through Instagram.

The panel acknowledged Mr Burney's submission that he had not made explicit sexual comments to pupils and that he had never suggested meeting with pupils outside of the academic environment. However, it considered that this needed to be contextualised against his live evidence. [REDACTED] The panel drew the inference that such a

perception of the dynamic was indicative of a high level of intimacy, and therefore the explanation offered by Mr Burney, that this was a “friend”-like dynamic that he had with pupils was implausible. It also considered that the suggestion provided by Mr Burney, that he had sought reassurance from pupils [REDACTED], did not plausibly explain the degree and intensity of the conduct. It also noted that Mr Burney had appeared to transfer his focus of attention from one pupil to another throughout the overall course of this behaviour which is considered to be materially relevant to its determination.

Having considered the case in full, the panel determined that it could draw the inference that frequency, volume, and intensity of messages that he had exchanged with pupils was sexually motivated. The panel noted that given the teacher-pupil dynamic, the informality of messaging and the overfamiliarity with pupils who were known to be vulnerable, it could draw the inference that Mr Burney’s behaviour was done in the pursuit of a future sexual relationship. It acknowledged that the messages were not inherently sexual in nature, but it considered that conduct of sending a prolific number of intimate messages over a prolonged period of time to vulnerable female pupils who were aged 16, was sexually motivated within the circumstances.

7. Your conduct at paragraph 4 demonstrated a lack of integrity.

Mr Burney accepted this allegation at the commencement of the hearing. In addition, the panel had sight of relevant policies, making clear that communication with a pupil in this manner was contrary to the policies of the school. The panel also heard from Colleague B who advised that there were no circumstances in which it would be appropriate to communicate with a pupil in this manner, except on a school trip where a “trip phone” was utilised. The panel considered in the circumstances that it could appropriately rely upon this position, and accordingly was satisfied that Mr Burney’s conduct fell short of the expected professional ethics within his role as a teacher.

Accordingly, the panel found Allegation 7 proved.

8. Your conduct at paragraph 5 was

a. dishonest; and/or

b. demonstrated a lack of integrity.

The panel recognised that Mr Burney admitted this allegation and that he had consistently acknowledged that his conduct was dishonest throughout his evidence. The panel considered the legal advice in respect of dishonesty and considered the test within *Ivey v Genting Casinos* [2017] UKSC 67. The panel was satisfied, and through his own oral evidence Mr Burney accepted, that he had been dishonest in his own mind at the relevant time as he knew that he had continued to communicate with Pupil A, and had

not stopped communicating with her after the prom. The panel was also satisfied that this conduct was dishonest within the understanding and appreciation of ordinary decent people. The panel was also satisfied, that given the seriousness of the circumstances, and the vulnerability of Pupil A, Mr Burney had acted far outside of the expected ethics of his profession by being dishonest about his continued and recent contact with her when questioned during the School investigation.

The panel therefore found Allegation 8a and Allegation 8b proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to 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 Mr Burney in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Burney 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
 - showing tolerance of and respect for the rights of others
- 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 also considered whether Mr Burney’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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 unacceptable professional conduct.

The panel found that none of these offences were relevant.

The panel was satisfied that the conduct of Mr Burney amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

It noted that Mr Burney had engaged in a serious series of inappropriate behaviours whereby he had communicated in a persistent, sexually motivated manner, which breached the expected ethical boundaries of the teaching profession. The panel considered that the vulnerabilities of the pupils, in addition to the relentless volume of Mr Burney's communication, meant that the behaviour was of a particularly serious nature.

In relation to whether Mr Burney's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

The panel noted that it had been advised during the live evidence of Colleague B, that the exam board was notified of the circumstances, as special arrangements were required, due to the detrimental impact upon Pupil A, Pupil C and Pupil D. The panel considered that conduct that goes as far as to impact the exams of vulnerable pupils would certainly have the potential to have a significantly detrimental impact upon the public perception of the teaching profession.

The findings of misconduct are 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 Mr Burney's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the allegations that had been presented to it proved, the panel further found that Mr Burney'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 and 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 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 pupils and the protection of other members of the public
- the maintenance of public confidence in the profession
- the declaring and upholding proper standards of conduct

In the light of the panel's findings against Mr Burney, which involved persistent and inappropriate, sexually motivated communication with pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and the protection of the public. A series of professional boundaries had been contravened by Mr Burney's misconduct, and the panel therefore directly determined that the public interest was engaged by this.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Burney 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 Burney was outside that which could reasonably be tolerated. As identified by the panel, Mr Burney's conduct involved multiple breaches of both the School's policies and also the Teacher's Standards.

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 Burney in the profession. The panel had sought to explore this, however it noted that it had been provided with no evidence in respect of Mr Burney's contributions to the teaching profession. The panel also considered that when asked about Mr Burney's classroom performance during her

live evidence, Colleague B had been unable to comment directly upon it. Accordingly, the panel determined that it could not positively conclude that there was a public interest in Mr Burney being retained within the profession.

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 Burney.

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 Burney. 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;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position of trust (particularly involving pupils);
- an 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
- 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;
- dishonesty or a lack of integrity

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.

The panel determined that there was no evidence that Mr Burney's actions were not deliberate. There was also no evidence to suggest that Mr Burney was acting under duress, and, in fact, the panel found Mr Burney's actions to be calculated and motivated.

The panel acknowledged that Mr Burney was of good character and had not been subject to any previous disciplinary findings, which was a mitigating factor in this case. [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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Burney 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 Burney. The nature and seriousness of Mr Burney's conduct was a significant factor in forming that opinion. Mr Burney's actions were directly connected to the trust that the public places in the teaching profession. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

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

The panel recognised that the type of cases as listed within the Advice is not exhaustive and noted, that the sexually motivated behaviour of Mr Burney involved a number of vulnerable teenage girls. It therefore determined that there were serious concerns that had been raised and that these were directly connected to the prospect of any review period in relation to this matter.

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 the listed characteristics were engaged by the panel's findings.

In coming to its determination, the panel acknowledged that Mr Burney had expressed a degree of regret and remorse in respect of his behaviour. It also considered that he had made admissions to most of the allegations and had engaged with the TRA's process. It however considered that Mr Burney's insight was limited. Whilst he had expressed some remorse, the panel noted that he did not appear to acknowledge the impact of his conduct upon the pupils in question who were all vulnerable teenagers. Additionally, it

was noted that Mr Burney had continued to refer to his engagement with pupils as “friend-like” throughout his oral evidence, despite him acknowledging his wrongdoing, whilst it felt was indicative of him not wholly appreciating the significance of his actions. The panel therefore felt that it was unable to recommend a review period in the circumstances.

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.

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

In particular, the panel has found that Mr Burney 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
 - showing tolerance of and respect for the rights of others
- 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 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 include breaches of the responsibilities set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of persistent and inappropriate, sexually motivated communication with pupils.

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 unacceptable professional conduct or 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 Burney, 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, "In the light of the panel's findings against Mr Burney, which involved persistent and inappropriate, sexually motivated communication with pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and the protection of the public. A series of professional boundaries had been contravened by Mr Burney's misconduct, and the panel therefore directly determined that the public interest was engaged by this." 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 the serious nature of the findings, which the panel sets out as follows, "It noted that Mr Burney had engaged in a serious series of inappropriate behaviours whereby he had communicated in a persistent, sexually motivated manner, which breached the expected ethical boundaries of the teaching profession. The panel considered that the vulnerabilities of the pupils, in addition to the relentless volume of Mr Burney's communication, meant that the behaviour was of a particularly serious nature."

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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Burney were not treated with the utmost seriousness when regulating the

conduct of the profession.” I am particularly mindful of the finding of sexual motivated communications with pupils 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 unacceptable professional conduct or 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 Burney himself and the panel comment “The panel acknowledged that Mr Burney was of good character and had not been subject to any previous disciplinary findings, which was a mitigating factor in this case.”

A prohibition order would prevent Mr Burney 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 following “The panel went on to consider whether there was a public interest in retaining Mr Burney in the profession. The panel had sought to explore this, however it noted that it had been provided with no evidence in respect of Mr Burney’s contributions to the teaching profession. The panel also considered that when asked about Mr Burney’s classroom performance during her live evidence, Colleague B had been unable to comment directly upon it. Accordingly, the panel determined that it could not positively conclude that there was a public interest in Mr Burney being retained within the profession.”

In reaching my decision I have placed considerable weight to the following “The panel determined that there was no evidence that Mr Burney’s actions were not deliberate. There was also no evidence to suggest that Mr Burney was acting under duress, and, in fact, the panel found Mr Burney’s actions to be calculated and motivated.”

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Burney. The nature and seriousness of Mr Burney’s conduct was a significant factor in forming that opinion. Mr Burney’s actions were directly connected to the trust that the public places in the teaching profession.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Burney 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.

I have considered the panel's comments "In coming to its determination, the panel acknowledged that Mr Burney had expressed a degree of regret and remorse in respect of his behaviour. It also considered that he had made admissions to most of the allegations and had engaged with the TRA's process. It however considered that Mr Burney's insight was limited. Whilst he had expressed some remorse, the panel noted that he did not appear to acknowledge the impact of his conduct upon the pupils in question who were all vulnerable teenagers. Additionally, it was noted that Mr Burney had continued to refer to his engagement with pupils as "friend-like" throughout his oral evidence, despite him acknowledging his wrongdoing, whilst it felt was indicative of him not wholly appreciating the significance of his actions. The panel therefore felt that it was unable to recommend a review period in the circumstances."

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 seriousness of the findings, the lack of full insight, and the pressure placed on other junior members of staff to act dishonestly.

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 Mr Daniyal Burney 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 Burney 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 Daniyal Burney 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 'SABuxcey'.

Decision maker: Sarah Buxcey

Date: 3 March 2025

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