

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Imran Ali

Teacher ref no: 07/58408

TA Case ref no: 8325

Date of Determination: 22 May 2012

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on Tuesday 22 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Imran Ali.

The Panel members were:-

Mr Martin Pilkington - Lay Panellist - in the Chair.
Mr William Brown - Lay Panellist.
Ms Gail Goodman - Professional Panellist.

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors, Oxford.

The Presenting Officer for the Teaching Agency was Ms Elizabeth Taheri of Kingsley Napley LLP Solicitors, London.

Mr Imran Ali was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 13 March 2012.

It was alleged that Mr Imran Ali had been convicted of a Relevant Offence, namely:-

Offence/Date: Causing death by careless driving when under the influence of drink – Defendant with alcohol level above prescribed limited – 12/12/2009.

Court/Date: Wood Green Crown Court on 10/12/2010.

Disposal: 64 months imprisonment; Disqualified from driving 6 years;
Disqualified from driving until extended test passed.

Mr Ali had made no formal admission as to the facts.

C. Summary of Evidence

Documents

In advance of the hearing the Panel received a bundle of documents which included:-

Section 1	Notice of Proceedings and Response	Pages 1 to 6.
Section 2	Teaching Agency Documents (Including additional documents – see above).	Pages 6a to 66.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

Summary of Evidence

The Presenting Officer said that it was clear in essence that Mr Ali admitted the fact of the conviction even though no admission form had been submitted. She referred the Panel to a letter from the Metropolitan Police and a Certificate of Conviction, at Page 10 of the case papers, which set out the details of Mr Ali's appearance before Wood Green Crown Court. The lower breath test reading in this case was 87 micrograms of alcohol in breath and thus just short of two and a half times the legal limit. The Panel also had a copy of the sentencing transcript from the Crown Court.

She submitted that this serious conviction was plainly a conviction which had relevance to Mr Ali's fitness to be a Teacher.

D. Decision and Reasons

The Panel announced its decision and reasons as follows:-

"We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

The case concerns an allegation that Mr Imran Ali on 10 December 2010 was convicted on his own plea of guilty to an offence of causing death by careless driving when under the influence of alcohol. He was involved while driving a car in a collision with a pedestrian in the early hours of the morning as a result of which the pedestrian sustained fatal injuries. Mr Ali provided a breath sample with a lower reading of 87 micrograms of alcohol in breath.

On 10 December 2010 at Wood Green Crown Court he was sentenced to 64 months imprisonment, disqualified from driving for 6 years and disqualified from driving until he has passed an extended test. It is alleged by the Teaching Agency that this constitutes Conviction of a Relevant Offence.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Imran Ali proven:-

Offence/Date: Causing death by careless driving when under the influence of drink – defendant with alcohol level above the prescribed limit – 12.12.2009.

Court/Date: Wood Green Crown Court on 10.12.2010.

Disposal: 64 months imprisonment; Disqualified from driving 6 years; Disqualified until extended test passed.

Our reason is that we have relied on the Memorandum of Conviction exhibited at Page 10 in the bundle.

Findings as to Relevant Offence

The Teachers Standards published by the Secretary of State properly require Teachers to demonstrate consistently high standards of personal and professional conduct. Teachers are expected to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside School.

Mr Ali committed an offence while driving a vehicle well over the legal limit for alcohol which led to the death of another person.

We are absolutely satisfied that his conviction and sentence at Wood Green Crown Court constitutes commission of a Relevant Offence. Although this was conduct which occurred outside the classroom it clearly affects Mr Ali's fitness to be a Teacher.

Mr Ali was sentenced to a term of immediate imprisonment in excess of 5 years.

The public expects Teachers to display high standards of behaviour both in and out of School – Teachers are seen as role models. Judged against that yardstick Mr Ali, on the night of his accident, fell woefully short and we have no doubt that this is a Relevant Offence case even though it does not concern directly his conduct within the School or towards pupils. It is essential that the public must have confidence in the profession both individually and collectively.

Panel's Recommendation to the Secretary of State

We consider this is a case where a Prohibition Order should be imposed. We have taken the view that this case concerns the commission of a very serious offence. Mr Ali drove while nearly two and a half times over the permitted limit for alcohol. He clearly made a decision to drink alcohol and deliberately got behind the wheel of his car. As a consequence of his conduct a pedestrian was killed. He is now serving a sentence of over 5 years imprisonment.

This sort of behaviour inevitably affects public confidence in the teaching profession and damages the collective reputation of Teachers. It discloses a very grave departure from the standards Teachers must observe.

We have carefully considered the statements tendered by Mr Ali and the mitigation contained therein.

We have taken account of his representations but do not feel that they disclose any exceptional considerations which serve to reduce the nature of his offending and its consequences.

His decision to drive when not fit to do so was deliberate and reprehensible. We acknowledge that Mr Ali had suffered the recent loss of his mother and was carer for his younger brother but those domestic circumstances do not, in our view, serve to deflect us from the view that a Prohibition Order should be made in the interests of both the profession and the public.

In summary this case involves a serious departure from the personal conduct expected of Teachers resulting in the commission of a serious criminal offence. Two of the panel recommend that a Prohibition Order is made with a period of ten years before Mr Ali may be allowed to apply for the Prohibition Order to be set aside. Those panel members believe that the period of ten years directly reflects the seriousness of the offence which Mr Ali admitted.

The dissenting member favoured a Prohibition Order without limit of time in the belief that the public would feel that an offence resulting in the death of an innocent party would not be appropriately marked by anything other than an indeterminate Prohibition Order.”

Secretary of State's Decision and Reasons

I have given careful consideration to the decision made by the panel and to its recommendations. The panel have found the facts proved and have found that those facts amount to a relevant criminal conviction. This is a very serious case and the panel have given careful consideration to the balance of the interests of the individual teacher and the public interest.

I accept the recommendation of the panel that Mr Imran Ali be prohibited from teaching.

I turn next to the question of a review period. I note that the panel did not completely agree on this matter. I have considered this carefully. In this particular case I believe that a 10 year period before a review can happen is a proportionate response, and was the majority view of the panel. I therefore accept that recommendation.

This means that Mr Imran Ali is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 30 May 2022, 10 years from the date of this order at the earliest.** If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Imran Ali remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Imran Ali has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick
Date: 23 May 2012