



National College for
Teaching & Leadership

Naveed Hussain: Professional conduct panel outcome

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

December 2017

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

Teacher: Naveed Hussain
Teacher ref number: 0684281
Teacher date of birth: 22 March 1978
NCTL case reference: 14791
Date of determination: 19 December 2017
Former employer: Bordesley Independent School, Birmingham

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 13 and 14 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Naveed Hussain. Due to the length of the evidence, the matter was adjourned to 18 and 19 December 2017 to conclude.

The panel members were Mr Brian Hawkins (teacher panellist – in the chair), Ms Claire McManus (lay panellist) and Mr Sathi Ariya (lay panellist).

The legal adviser to the panel was James Danks of Blake Morgan LLP.

The presenting officer for the National College was Mr Scott Ivill of Counsel in March 2017 and Mr Ian Perkins of Counsel in December 2017.

Mr Naveed Hussain was present and was represented by Mr Andrew Faux of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 28 November 2016 (as amended following a preliminary application).

It was alleged that Mr Naveed Hussain was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

You failed to maintain appropriate professional standards when, between 30 September 2014 and 28 September 2015 and/or between 20 October 2015 and 2 February 2016, you were a Director and/or the Proprietor of an unregistered school, namely Bordesley Independent school ("the School") in that:

1. In the period from 30 September 2014 to 27 April 2015, Ofsted visited the School on four occasions and on each occasion highlighted serious safeguarding and/or educational concerns;
2. On 3 November 2015 an Ofsted inspection revealed that:
 - a. The premises were inadequate and/or raised health and safety concerns,
 - b. There was no running water in the toilet area,
 - c. Rooms were unkempt and/or unhygienic and/or cold and/or inadequate for the delivery of the curriculum suitable for the age of the young people attending the School (11-16 years),
 - d. The curriculum taught was narrow and inadequate,
 - e. Pupils were taught in single gender groups,
 - f. No single central register was available,
 - g. No Disclosure and Barring Service checks on staff had been carried out and/or no evidence of any such checks could be provided.
3. As a director and/or the proprietor of the School you failed in your duty to ensure pupils were:
 - a. Kept safe and/or not exposed to risk,
 - b. Provided with an adequate educational provision.

Mr Hussain denied the facts and the matter therefore proceeded as a contested case.

C. Preliminary applications

There was a preliminary application by the NCTL to amend the allegations as originally drafted. The panel announced their decision as follows:

"This is a preliminary application by Mr Ivill on behalf of the NCTL to amend the allegations before the panel. Mr Ivill confirmed the panel had the power under rule 4.56 to amend the allegation if it was in the interests of justice to do so. The amendments were limited to clarifying the dates of the OFSTED visits and to limit the relevant time-frame in paragraph 1 to avoid any duplication with paragraph 2.

Mr Faux objected to the amendment. Those instructing him had asked for clarification on the charges in January 2017 and he had only been provided with a two page schedule in respect of the paragraph numbered 1 this morning that he said significantly lengthened the case against his client. Until this schedule, there had been a lack of clarity as to whether paragraph 1 was itself an allegation or was effectively a preamble to allegation 2 that had been fully particularised.

The panel carefully considered both parties submissions. The application was, at this time, limited to what the panel saw to be minor changes that clarified the dates with only minor variations. On that basis, the panel was content that any prejudice to Mr Hussain was minimal and that it is the interests of justice that the allegations properly reflect the evidence."

Thereafter, the NCTL applied to admit two further documents under rule 4.18 and 4.19. These documents were:

- a) a witness statement of Witness B dated 9 March 2017; and
- b) colour copies of pages 101 to 136 as already in the bundle.

The NCTL stated that the documents were directly relevant to the case before the panel and it was fair to admit them. The second set of material was merely substituting better copies of what the panel already had. The defence raised no objection to the additional documentation.

In light of the above, the panel determined the documents were relevant to the case and it was fair to admit them.

The defence made a separate application to include documentation under the same rules. These documents were:

- a) A full version of the email from Individual A to Mr Hussain dated 9 October 2014, an incomplete version of which was included at page 223 due to a photocopying error;

- b) Clearer and better versions of the text message transcripts at pages 243 and 244;
- c) An email and attached correspondence dated 11 June 2015 from Individual A to Mr Hussain confirming the withdrawal of the school's application to be registered; and
- d) Pages 5 and 6 of the Advice regarding the Registration of Independent Schools dated January 2016.

Whilst documents at (a) and (b) were complete or better copies of documents already in evidence, the defence accepted that the documents at (c) and (d) were new evidence. Nevertheless, as the documents were minimal, relevant to the issues in the case and there was no objection to their inclusion by the NCTL, the panel accepted it was in the interests of justice that these documents be admitted.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and Response – pages 4 to 11

Section 3: NCTL witness statements – pages 13 to 24

Section 4: NCTL documents – pages 26 to 197

Section 5: Teacher documents – pages 199 to 342

In addition, the panel agreed to accept the following:

- (a) witness statement of Individual B dated 9 March 2017 (pages 20A to 20B);
- (b) a full version of the email from Individual A to Mr Hussain dated 9 October 2014 (pages 222A to 222B);
- (c) Clearer and better versions of the text message transcripts at pages 243 and 244 (no change to pagination);
- (d) correspondence dated 11 June 2015 from Individual A (Exhibit 1)
- (e) Pages 5 and 6 of the Department for Education advice on the Registration of Independent Schools January 2016 (Exhibit B); and

(f) Department for Education advice on the Registration of Independent Schools July 2015 (Exhibit C).

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

Witnesses

The panel heard oral evidence from:

- Witness B, Her Majesty's Inspector for Schools in the West Midlands; and
- Witness C, Regional Education Director at E-ACT;
- Mr Naveed Hussain.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before us and have reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Hussain qualified as a teacher in 2006 and had been employed at Kingsbury School and College ('Kingsbury') since September 2007.

In addition to teaching at Kingsbury, in or around September 2014, Mr Hussain set up the business that ran Bordesley Independent School ('the School') that was subsequently inspected by Ofsted on five separate occasions (30 September 2014, 16 October 2014, 9 December 2014, 27 April 2015 and 3 November 2015). On each occasion, concerns regarding pupil safety and well-being were raised and the School was subsequently closed down following the final visit.

As a result of the matters involving the School, Mr Hussain was suspended from Kingsbury on 6 November 2015.

Findings of fact

Our findings of fact are as follows:

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

You failed to maintain appropriate professional standards when, between 30 September 2014 and 28 September 2015 and/or between 20 October 2015 and 2 February 2016, you were a Director and/or the Proprietor of an unregistered school, namely Bordesley Independent school (“the School”) in that:

Whilst this was not a particularised charge per se, in light of your position that the School was not a school, the panel determined it was first appropriate to resolve this factual issue and, if determined that the School was in fact a school, thereafter whether Mr Hussain was a director and/or proprietor during the relevant periods.

The panel had before it the benefit of two sets of Guidance produced by the Department of Education that set out the main criteria of what would amount to a school, and also heard the witness evidence from Witness B and Witness C. At this position of proceedings, the panel did not determine it necessary to decide on what you understood the position to be, this being a matter of fact rather than interpretation.

However, the panel did accept Mr Hussain's view on whether the institution was a school could be pertinent at a different stage of proceedings.

The panel accepted that there were a number of circumstances in which an institution could be classed as a 'school' and considered the following to be most pertinent:

- There were 5 or more pupils in attendance;
- The institution provided 18 hours or more per week of teaching time; and
- The institution was the pupils' sole or main place of education.

During the evidence from Witness B and Witness C, what constituted 'teaching time' was discussed in some detail and the panel accepted that this amounted more than just time spent in lessons. By example, it was accepted evidence that at registration, general discussions were had regarding current affairs and the evidence on behalf of the National College was that this would be included as 'teaching time'.

The panel also had before it in photographic evidence that the School was indeed constituted as a school. By way of example, there was:

- A website for the School that included its admission policy;
- The external sign stated it to be a school;
- A structured time-table providing for lessons between 4 or 5 days per week;
- There was a named headmaster;
- Attendance records showing the number of pupils attending was significantly over 5; and
- Posters were present within the School building in respect of examinations.

Despite having all the hallmarks of a school such as set out in the photographic evidence, the panel accepted there could be occasions when a similar institution was in fact not a school. However, in this case, whatever Mr Hussain's understanding of what amounted to being a school, the panel is satisfied from the Department's Guidance and the evidence of Witness B and Witness C that on balance, this was a school that was unregistered and the photographic evidence provided additional corroboration in this respect.

In respect of whether Mr Hussain was a director and/or proprietor of the School, the panel had uncontested evidence before it from Companies House confirming Mr Hussain was the sole director of the company running the School from 8 October 2014 to 28 September 2015 and from 20 October 2015 to 2 February 2016. In light of this clear evidence, the panel found this part of the stem proved for those dates.

In Mr Hussain's own evidence, he accepted meeting a representative from the Birmingham Pupil Placement team prior to the first Ofsted inspection on 30 September 2014. From an email within the bundle at page 220, the panel determined that this meeting was on or before 25 September 2014 and the panel considered this to be someone acting in a capacity of more than just a headmaster.

The panel also considered Mr Hussain's correspondence to a representative of the Department for Education to be more akin to an owner setting up his business. On this basis, the panel has also found Mr Hussain to be the proprietor of the School from 30 September 2014 to 28 September 2015.

In relation to the later dates, Mr Hussain explained that he had sold the business to an associate and produced an Agreement Document at pages 235 to 238 of the bundle to evidence this transaction.

In oral evidence, the panel felt that Mr Hussain's answers to the background to this transaction were evasive and he eventually accepted in evidence that this document was prepared in anticipation of a transfer. In any event the panel noted that Mr Hussain was not a party to the agreement, although he was a witness, and did not accept that this was suitable evidence to show a transfer of ownership of the business for which he remained a sole director.

Taking all matters into account and considering there was no obvious change in circumstance, the panel concluded you remained the Proprietor for the dates of 20 October 2015 to 2 February 2016.

1. In the period from 30 September 2014 to 27 April 2015, Ofsted visited the School on four occasions and on each occasion highlighted serious safeguarding and/or educational concerns

Before the panel was evidence of four Ofsted visits to the School, in the form of four reports that were produced following the visits on 30 September 2014, 16 October 2014,

9 December 2014 and 27 April 2015. It was not contested evidence that these visits had taken place.

The panel heard live evidence from Witness B and Witness C, who were present either individually or together for the first, second and fourth inspections. Both witnesses gave coherent, clear and consistent evidence despite strong cross-examination and confirmed their concerns regarding safeguarding and educational matters for each inspection. There was no reason to suspect any collusion between two professional people who had attended the hearing.

The panel has already found Mr Hussain to be both the director and proprietor of the School for these visits. Whilst he also gave evidence before the panel, the panel felt no credible explanation was put forward as to how the safeguarding issues raised were incorrect or misinterpreted. To this extent, we found the evidence from the two witnesses for the National College to be more credible and therefore preferred their evidence over Mr Hussain's, including the content of the Ofsted reports.

The panel was exceptionally concerned about the following incidents:

- For each of the three visits that Witness B and / or Witness C attended, there was no evidence that Disclosure and Barring Service (DBS) checks had been carried out and Mr Hussain's explanation that classroom doors were left open to mitigate any risk in this regard was manifestly inappropriate. The panel also noted that, in any event, the inspectors reported the classroom doors were closed on 30 September 2014;
- For each of the three visits that Witness B and / or Witness C attended, there was evidence that the curriculum provided was too narrow;
- On 30 September 2014, leaflets were found entitled 'Islam and terrorism?', the author for which had been found to have been denied access to the UK due to his extremist views;
- On 16 October 2014 visit, it was noted a female Year 10 pupil had written a story about being raped but it would appear nothing had been done to report this to LADO. Whilst you gave an explanation that a report had in fact been made, the lack of detail as to whom was spoken to for such a serious matter was not preferred to the evidence from Witness C who stated that no report could be found after she checked following the inspection;
- On 27 April 2015, a pupil had been absent from the School for 18 school days but the only contact with the parents had been in respect of unpaid school fees rather than the welfare of the child;
- The religious syllabus only dealt with Islam to the exclusion of any other religions; and

- A number of statutory subjects, including humanities, were not taught.

Whilst the panel did not hear from Individual A who conducted the 9 December 2014 inspection, the panel accepted their conclusions in light of the clear pattern of failings before and after this inspection and the lack of criticism put forward in respect of the visit.

In a similar vein to the visits before and after, the curriculum was deemed to be too narrow and the Single Central Register was incomplete.

For all the reasons set out above, the panel finds this allegation proved.

2. On 3 November 2015 an Ofsted inspection revealed that:

a. The premises were inadequate and/or raised health and safety concerns

It was accepted that an Ofsted inspection took place on 3 November 2015.

Witness C again gave clear evidence in respect of her visit on this occasion and the panel was assisted by her contemporaneous handwritten notes of the visit. Despite strong cross-examination, Witness C gave consistent evidence and in light of Mr Hussain not being present for the entire inspection, the panel preferred the evidence of Witness C over his. For clarity, this preference applies to all particulars of allegation 2.

Witness C confirmed that the premises were dirty and unkempt. Whilst Mr Hussain produced photographs rebutting this position, there was no evidence that these photographs had been taken on the day of the visit and the panel gave no weight to them.

Considering the evidence from both parties and the panel preferring the National College's evidence, the panel find this allegation proved.

b. There was no running water in the toilet area

For the reasons previously given, the panel preferred the evidence of Witness C over Mr Hussain's and accepted their written and oral evidence that there was no running water in the toilet area. The panel therefore find this allegation proved.

c. Rooms were unkempt and/or unhygienic and/or cold and/or inadequate for the delivery of the curriculum suitable for the age of the young people attending the School (11-16 years)

The panel was assisted by the contemporaneous notes of Witness C that confirmed the premises were unkempt, unhygienic, cold and inadequate. This position was maintained in their evidence and for the reasons given before, the panel preferred their evidence over Mr Hussain's and therefore find this allegation proved.

d. The curriculum taught was narrow and inadequate,

e. Pupils were taught in single gender groups

The panel was assisted by Witness C contemporaneous notes that confirmed the curriculum was too narrow and inadequate and that pupils were being taught in single gender groups.

The panel also noted Mr Hussain's acceptance of this position in his evidence and find this allegation proved.

f. No single central register was available

The panel noted the evidence from Witness C that no Single Central Register ('SCR') was provided to her despite a request. The panel also noted Mr Hussain's evidence that this was available but locked in a filing cabinet and therefore could not be provided. Witness C confirmed that this simple explanation was not provided to her.

Despite Mr Hussain's explanation, the SCR produced by him in evidence, not being handwritten, was clearly printed from an electronic format and the panel determined it could therefore have been shown to Witness C in softcopy.

Because of the clear inconsistencies in Mr Hussain's evidence, and for the reasons set out before, the panel preferred the evidence of Witness C over his and finds the allegation proved.

g. No Disclosure and Barring Service checks on staff had been carried out and/or no evidence of any such checks could be provided

Whilst there is an inference that the checks had not been carried out, the panel does not find this sufficient for the first part of the allegation to be found proved.

The panel notes that the DBS checks are contained within the SCR and therefore finds this allegation proved for the same reasons as before but only to the extent that there was no provision of the checks being done.

3. As a director and/or the proprietor of the School you failed in your duty to ensure pupils were:

- a. Kept safe and/or not exposed to risk,**
- b. Provided with an adequate educational provision**

It is clear that a person who has a responsibility for pupils in his care has an inherent duty to ensure that they are kept safe and not exposed to risk and also that an adequate education be provided. The panel also noted Mr Hussain's own admission during oral evidence that such a duty existed.

In light of this clear duty that exists and the panel's findings for allegations 1 and 2, the panel also finds this allegation proved.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Hussain in relation to the facts found proven, involved breaches of the “Teachers’ Standards”. The panel considers that by reference to Part Two, Mr Hussain is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession. Whilst the panel accepted that for a time towards the beginning of the relevant period, there could possibly have been some ambiguity in Mr Hussain’s mind as to whether he was running a school, by the time of the second Ofsted visit on 16 October 2014, the panel was satisfied that the true position was quite clear to Mr Hussain in respect of the School operating as a school. By this point, Mr Hussain would have had a much fuller and clearer understanding of what the requirements were but nevertheless maintained his course of conduct without any discernible regard to the findings from Ofsted.

The panel has also considered whether Mr Hussain’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Nevertheless, the panel is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession and amounts to unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. Conduct such as Mr Hussain's unquestionably brings the teaching profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely:

- the protection of pupils and protection of other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

Whilst not referenced in the Advice, the panel also determined it relevant to consider the public interest in maintaining good teachers within the profession.

In light of the panel's findings against Mr Hussain that involved running the School as a business but with insufficient concern given to the pupils' welfare and overall education, there is a strong public interest consideration in ensuring the protection of pupils is maintained.

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

Whilst the conduct found against Mr Hussain took place not when he was teaching but instead running a school, he was also a teacher of some experience and the panel considered that a strong public interest consideration in declaring proper standards of

conduct in the profession was also present. The conduct found against Mr Hussain was outside that which could reasonably be tolerated.

The panel also had consideration to whether there was a public interest in maintaining Mr Hussain as a teacher. The panel had before them references from:

- Individual A, a teaching colleague of 5 years;
- Individual B, a teaching colleague of 10 years;
- Individual C, a teaching colleague of 3 years;
- Individual D, a colleague of 3 years;
- Individual E, a teaching colleague of 2 years;
- Individual F, Associate Head at Mr Hussain's previous school.

All of these references were prepared in readiness for the NCTL hearing and were signed and dated. The referees confirmed the high regard in which Mr Hussain was held by both colleagues and pupils and the positive learning environment that he creates.

The panel also had correspondence from the Head of Secondary Division of ABC Teachers Limited dated 9 February 2017, through whom Mr Hussain had been teaching on a supply basis since September 2016 and had been given good feedback. The panel recognised that this was considerable evidence to Mr Hussain's dedication to the teaching profession as well as an indication of his teaching ability.

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

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hussain. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values of democracy but only to the extent that the religious education provided was on a very limited basis;

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel noted that in light of the uncertainty in 2014 and 2015 as to the appropriateness of gender segregation, this did not play a part in their considerations for this part of the proceedings. Similarly, any leaflet referenced in the panel's decision on facts, the content of which not being in evidence, was disregarded.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Whilst there was no evidence that Mr Hussain's actions were not deliberate, the deliberateness of these actions appeared to the panel to be directed at setting up a business (and then, for example, failing to put appropriate safeguarding procedures in place) rather than in relation to teaching per se.

Similarly, whilst there was no evidence to suggest that the teacher was acting under duress, Mr Hussain did appear to be a person with a misplaced confidence in running a school and his naivety was evident in this respect.

Mr Hussain did have a previously good history and the panel accepts that the conduct was out of character.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations (including that of maintaining him as a teacher) outweigh the interests of Mr Hussain. Whilst Mr Hussain did not appear to be particularly active in teaching at the school, he was a teacher of experience and should have realised that issues were apparent and made efforts to resolve them.

Accordingly, the panel makes 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 panel was impressed by the number of colleague references provided by Mr Hussain in addition to the commitment he had shown to the profession by maintaining to teach as far as he could during these proceedings.

The panel also noted that the issues that arose did so, not because of Mr Hussain's actions as a teacher in the classroom, but in trying to be a businessman and losing perspective that his primary concern should have been to the pupils. In evidence, Mr Hussain did show some remorse and insight into his failings as well as appreciating that some of the concerns raised by Ofsted were not dealt with appropriately and that he would act differently in the future.

Nevertheless, whilst no issues were put forward regarding Mr Hussain's teaching abilities, he has been found to run a school at which obvious safeguarding concerns were present and he failed to rectify matters in a sufficient and timely manner.

The panel expected Mr Hussain's insight to improve quickly and felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after 2 years.

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 and review period.

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

In this case, the panel has found the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has only found an allegation to be partially proven or not proven I have put those matters from my mind entirely. I have also taken account of the panel's comments, "The panel noted that in light of the uncertainty in 2014 and 2015 as to the appropriateness of gender segregation, this did not play a part in their considerations for this part of the proceedings. Similarly, any leaflet referenced in the panel's decision on facts, the content of which not being in evidence, was disregarded."

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

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

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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has also set out that it is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession. Whilst the panel accepted that for a time towards the beginning of the relevant period, there could possibly have been some ambiguity in Mr Hussain's mind as to whether he was running a school, by the time of the second Ofsted visit on 16 October 2014, the panel was satisfied that the true position was quite clear to Mr Hussain in respect of the School operating as a school. By this point, Mr Hussain would have had a much fuller and clearer understanding of what the requirements were but nevertheless maintained his course of conduct without any discernible regard to the findings from Ofsted.

The panel has also considered whether Mr Hussain's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Nevertheless, the panel is satisfied that the conduct of Mr Hussain fell significantly short of the standards expected of the profession and amounts to unacceptable professional conduct.

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 or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may 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 Hussain, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Hussain's conduct "involved running the School as a business but with insufficient concern given to the pupils' welfare and overall education, there is a strong public interest consideration in ensuring the protection of pupils is maintained."

A prohibition order would therefore prevent such a risk to pupils from being present. I have also taken into account the panel's comments on insight and remorse which the

panel sets out as follows, “expected Mr Hussain's insight to improve quickly.” I have therefore given this element considerable weight in reaching my overall decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hussain were not treated with the utmost seriousness when regulating the conduct of the profession.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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, 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 Hussain himself. I have taken careful account of the panel’s comments, “impressed by the number of colleague references provided by Mr Hussain in addition to the commitment he had shown to the profession by maintaining to teach as far as he could during these proceedings.”

A prohibition order would prevent Mr Hussain from teaching and 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, “he has been found to run a school at which obvious safeguarding concerns were present and he failed to rectify matters in a sufficient and timely manner.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hussain has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 2 year review period.

The panel has also said that a 2 year review period would be appropriate and proportionate.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I consider that it does. I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Naveed Hussain 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 2 January 2020, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Naveed Hussain remains prohibited from teaching indefinitely.

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

Mr Naveed Hussain 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.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 22 December 2017

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