

**HEARING HEARD IN PUBLIC****ZAHIRI-DASTJERDI, Bahareh****Registration No: 164368****PROFESSIONAL CONDUCT COMMITTEE****JANUARY 2023****Outcome: Erased with Immediate Suspension**

ZAHIRI-DASTJERDI, Bahareh, a dental nurse, NVQ L3 Oral Health Care: Dental Nursing & Independent Assessment City & Guilds 2008, was summoned to appear before the Professional Conduct Committee on 26 January 2023 for an inquiry into the following charge:

**Charge**

“That, being a registered dental care professional:

1. On 26 April 2021, you received a police caution for possession of an indecent photograph or pseudo-photograph of a child, contrary to Section 160 of the Criminal Justice Act 1988.

And that, by reason of the facts alleged, your fitness to practise is impaired by reason of your caution.”

Ms Zahiri-Dastjerdi was not present and was not represented. On 26 January 2023 the Chairman announced a statement on proof of service and made a statement regarding the preliminary applications. The Chairman also announced the findings of fact to the Counsel for the GDC:

“This is a Professional Conduct Committee hearing in respect of a charge brought against Mrs Zahiri-Dastjerdi by the General Dental Council (GDC). The hearing is being conducted remotely by Microsoft Teams video-link.

Mrs Zahiri-Dastjerdi is not present at the hearing, and she is not represented in her absence. The Case Presenter for the GDC is Mr Guy Micklewright, Counsel.

**PRELIMINARY MATTERS – 26 January 2023**

At the outset of the proceedings, Mr Micklewright made an application under Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* (‘the Rules’), to proceed with the hearing notwithstanding Mrs Zahiri-Dastjerdi’s absence. The Committee took account of Mr Micklewright’s submissions in respect of the application, and it considered the supporting documentation provided. The Committee accepted the advice of the Legal Adviser in relation to service and proceeding in the absence of Mrs Zahiri-Dastjerdi.

### **Decision on service**

The Committee first considered whether notice of the hearing had been served on Mrs Zahiri-Dastjerdi in accordance with Rules 13 and 65. It had sight of the Notice of Hearing dated 12 December 2022 ('the notice'), which was sent to Mrs Zahiri-Dastjerdi's registered address by Special Delivery and by First Class post. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, it had regard to the Royal Mail 'Track and Trace' receipt, which confirmed that the copy of the notice sent by Special Delivery was delivered on 16 December 2022 and signed for in the printed name of 'ZAHIRI DASTJERDI'. In addition, a copy of the notice was sent to Mrs Zahiri-Dastjerdi on 12 December 2022 as an attachment within a secure email, and there is evidence that the attachment was downloaded.

The Committee was satisfied that the notice sent to Mrs Zahiri-Dastjerdi complied with the 28-day notice period required by the Rules. It was also satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that it would be held remotely by video-link on Microsoft Teams, and that the Committee had the power to proceed with the hearing in Mrs Zahiri-Dastjerdi's absence.

On the basis of all the information before it, the Committee was satisfied that notice of the hearing had been served on Mrs Zahiri-Dastjerdi in accordance with the Rules.

### **Decision on whether to proceed with the hearing in the absence of the registrant**

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mrs Zahiri-Dastjerdi. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones* [2003] 1 AC 1HL, and as affirmed in the regulatory case of *General Medical Council v Adeogba* [2016] EWCA Civ 162. The Committee remained mindful that fairness to Mrs Zahiri-Dastjerdi was an important consideration, but it also bore in mind the need to be fair to the GDC. The Committee had regard to its duty to act expeditiously in the public interest.

The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Mrs Zahiri-Dastjerdi of this hearing. In addition to the notice of 12 December 2022, the Committee's attention was drawn to email correspondence between the GDC and Mrs Zahiri-Dastjerdi regarding her attendance at these proceedings. It was highlighted that within those exchanges the GDC had offered to facilitate her attendance by providing any IT assistance and a possibility of financial assistance for childcare.

In an email to the GDC dated 19 January 2023, which was her last contact with the Council before today, Mrs Zahiri-Dastjerdi stated *"I have downloaded the documents that you have sent it to me. As I have said before I don't have any more support*

*documents to provide and unfortunately I don't have any one to witness or representative for my case. And because [REDACTED] I wouldn't be able to present the hearing. I would like to confirm that the hearing can go ahead behalf my attendance please".*

On the basis of the information before it, the Committee was satisfied that Mrs Zahiri-Dastjerdi's absence is voluntary. It noted that in its correspondence with her about these proceedings, the GDC stressed the importance of her attendance, including by telephone if necessary. The Committee noted that the offers made by the Council to assist Mrs Zahiri's participation were either not taken up or not addressed by her. It further noted that she has stated at least twice, including in her last email of 19 January 2023, that she was content for the hearing to go ahead in her absence.

In the circumstances, the Committee considered that an adjournment of the hearing would serve no meaningful purpose. It took into account that Mrs Zahiri-Dastjerdi did not request an adjournment, and that it received no information to suggest that deferring the proceedings would secure her attendance on a future date.

The Committee had regard to the public interest in determining the charge against Mrs Zahiri-Dastjerdi without undue delay. It considered that, without good reason for an adjournment, this hearing should proceed as scheduled. Accordingly, it decided that it was fair, reasonable and in the public interest to proceed with the hearing notwithstanding Mrs Zahiri-Dastjerdi's absence.

### **FINDINGS OF FACT – 26 January 2023**

This GDC case involves a single charge relating to a police caution received by Mrs Zahiri-Dastjerdi. On 26 April 2021, she received a police caution for possession of an indecent photograph or pseudo-photograph of a child, contrary to Section 160 of the Criminal Justice Act 1988.

The Committee heard by way of background that a referral was made to the GDC by Mr Zahiri-Dastjerdi's employer on 18 January 2021. This referral was made prior to the police investigation into the matters concerning Mrs Zahiri-Dastjerdi.

The broad circumstances that gave rise to the referral to the GDC and the subsequent police caution are that on 6 November 2020, Mrs Zahiri-Dastjerdi, a registered dental nurse, had shown a video to a colleague in the reception area at her place of work. The video was said to have been deleted by Mrs Zahiri-Dastjerdi after the event, and therefore a copy could not be provided for the purpose of this hearing. However, there is before the Committee a description of the nature of the video, as given by the individuals who were interviewed as part of an internal investigation by Mrs Zahiri-Dastjerdi's employer. The video was said to be of a young woman described as in her early 20s and a very young boy estimated to be about four years old, and it included indecent content.

Following the internal investigation carried out by her employer, and a disciplinary hearing held on 22 December 2020, Mrs Zahiri-Dastjerdi was dismissed from that employment.

### **Evidence**

The evidence received by the GDC in this case is solely documentary. That evidence includes a printout from the Police National Computer (PNC) record setting out the details of Mrs Zahiri-Dastjerdi's police caution. Also provided to the Committee is a signed witness statement dated 2 December 2022 from Witness 1, a Paralegal with the GDC's In-House Legal Presentation Service. Witness 1 exhibits with her witness statement various documents relating to the referral made to the GDC by Mrs Zahiri-Dastjerdi's employer.

### **The Committee's finding**

The Committee considered all the evidence presented. It took account of the submission made by Mr Micklewright regarding the evidence. It was his submission that there was sufficient evidence before the Committee to find the charge against Mrs Zahiri-Dastjerdi proved.

The Committee accepted the advice of the Legal Adviser. It bore in mind that the burden of proof at these proceedings rests with the GDC, and that the standard of proof is the civil standard, that is, whether the charge is proved on the balance of probabilities.

The Committee's finding is as follows:

1.	<p><i>On 26 April 2021, you received a police caution for possession of an indecent photograph or pseudo-photograph of a child, contrary to Section 160 of the Criminal Justice Act 1988.</i></p> <p><b>Found proved.</b></p> <p>The Committee was satisfied that the printout from the PNC record is a reliable document. The printout includes Mrs Zahiri-Dastjerdi's full name and her address, which is the same as her registered address held by the GDC. There has been no suggestion by Mrs Zahiri-Dastjerdi in the correspondence seen by the Committee that she did not receive the police caution. Further, the Committee took into account that the giving of a police caution is dependent on the defendant's admission of the offence in question.</p> <p>In all the circumstances, the Committee was satisfied that the charge against Mrs Zahiri-Dastjerdi is proved on the balance of probabilities.</p>
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We move to Stage Two."

On 27 January 2023 the Chairman announced the determination as follows:

“This is a Professional Conduct Committee hearing of Mrs Zahiri- Dastjerdi’s case. The hearing is being conducted remotely by Microsoft Teams video-link.

Mrs Zahiri-Dastjerdi is not present at the hearing, and she is not represented in her absence. The Case Presenter for the General Dental Council (GDC) is Mr Guy Micklewright, Counsel.

### **The charge found proved**

At the fact-finding stage of the hearing, the Committee found proved the charge that on 26 April 2021, Mrs Zahiri-Dastjerdi received a police caution for possession of an indecent photograph or pseudo-photograph of a child, contrary to Section 160 of the Criminal Justice Act 1988.

The police caution related to an incident in November 2020, when Mrs Zahiri-Dastjerdi showed a video containing child pornography to a colleague at work.

### **This stage of the hearing**

The Committee’s tasks at this second stage of the hearing have been to consider whether Mrs Zahiri-Dastjerdi’s fitness to practise is currently impaired by reason of her police caution. It noted that if it found current impairment, it would need to consider the issue of sanction. In reaching its decisions, the Committee considered all the evidence presented to it at the fact-finding stage. It did not receive any further evidence at this stage.

The Committee took account of the submissions made by Mr Micklewright in relation to impairment and sanction. It accepted the advice of the Legal Adviser. The Committee noted that there is no burden or standard of proof at this stage of the proceedings, and that its decisions were for its own independent judgement.

### **Summary of the submissions made by the GDC**

In accordance with Rule 20(1)(a) of the *GDC (Fitness to Practise) Rules 2006 Order of Council*, Mr Micklewright first addressed the Committee in relation to any fitness to practise history concerning Mrs Zahiri-Dastjerdi. He confirmed that she has no fitness to practise history before the GDC.

Mr Micklewright took the Committee through the documentation provided by Ms Zahiri-Dastjerdi’s then employer in respect of its internal investigation. He drew the Committee’s attention to the record of the interviews conducted with three of Mrs Zahiri-Dastjerdi’s colleagues. This included the colleague to whom she had initially shown the video, one other colleague to whom the video was subsequently passed, and a third colleague who refused to watch it and told Mrs Zahiri-Dastjerdi to delete it. Mr Micklewright highlighted passages from those interviews in which all three colleagues described the impact on them of having been either shown or made aware of the video. One of the three colleagues referred to her own personal history and explained that Mrs Zahiri-Dastjerdi’s behaviour had had a significant effect on

her. Another of the three colleagues stated in her interview that Mrs Zahiri-Dastjerdi had been shocked by her colleagues' reactions to the video, and she considered that there had been an element of naivety on Mrs Zahiri-Dastjerdi's part. That colleague stated that *"what shocked me was that she thought it was normal to show people"*.

Mr Micklewright further drew the Committee's attention to the record of Mrs Zahiri-Dastjerdi's own interview as part of the internal investigation. In her interview, Mrs Zahiri-Dastjerdi described the video as *"disgusting"*. She stated that she had only shown it to a colleague to highlight how horrible people could be, and that you could not trust anyone to look after your children. She stated that she was advised by colleagues to delete the video from her phone, which she did. However, she went on to question their motives for reporting the incident in light of that advice they had given her. Mrs Zahiri-Dastjerdi stated that she believed that colleagues were trying to oust her from her job.

It was Mr Micklewright's submission that Mrs Zahiri-Dastjerdi's responses during her interview with her then employer, showed that she had no real insight into her actions, and that she did not take ownership of her behaviour or demonstrate any remorse. He submitted that Mrs Zahiri-Dastjerdi's focus appeared to be on how her colleagues had gone behind her back. Mr Micklewright stated that Mrs Zahiri-Dastjerdi displayed a lack of awareness that dental professionals are duty bound to raise such matters. In terms of the seriousness of the video itself, Mr Micklewright submitted that Mrs Zahiri-Dastjerdi seemed to fail to understand that what she did was fundamentally inappropriate.

In addressing the Committee on impairment, Mr Micklewright referred to the *'Guidance for Practice Committees including Indicative Sanctions Guidance (Effective from October 2016; last revised in December 2020)'* ('the Guidance'). He highlighted a number of paragraphs from the Guidance which he said would assist the Committee in terms of the robust approach required in cases involving child pornography.

It was Mr Micklewright's submission that a finding of current impairment in this case is necessary for the protection of the public and is in the wider public interest. In relation to public protection, he submitted that this was a video of a very serious nature shown by Mrs Zahiri-Dastjerdi to colleagues at work during surgery hours. He stated that the risk to her colleagues was apparent from their interviews about the incident. However, he also asked the Committee to take into account the wider risk to members of the public, given that Mrs Zahiri-Dastjerdi has shown the video at reception in a public area. Mr Micklewright also emphasised that possessing and viewing child pornography creates a market for the creation and sharing of abusive images.

Mr Micklewright submitted that there has been no evidence from Mrs Zahiri-Dastjerdi as to her insight, or any reflection or remediation she has undertaken, although he contended that remediation of the matter in this case would be very difficult indeed.



With regard to the wider public interest, Mr Micklewright submitted that, given the serious nature of Mrs Zahiri-Dastjerdi's offence, notwithstanding the receipt of a police caution and not a conviction, public confidence in the dental profession and the regulatory process would be undermined if a finding of impairment were not made in all the circumstances.

In relation to sanction, Mr Micklewright reminded the Committee of the paragraphs of the Guidance he had previously outlined, in particular paragraphs 78 to 80. He submitted that the GDC's position was that the only appropriate and proportionate sanction in this case was erasure.

### **Decision on impairment**

The Committee next considered whether Mrs Zahiri-Dastjerdi's fitness to practise is currently impaired by reason of her police caution. It had regard to the over-arching objective of the GDC, which is: the protection, promotion and maintenance of the health, safety, and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

The Committee took into account that its task was to consider whether Mrs Zahiri-Dastjerdi's fitness to practise is impaired as of today. In doing so, it had regard to the past events as detailed in this case. The behaviour that led to Mrs Zahiri-Dastjerdi receiving the police caution was serious. She was in possession of child pornography which she showed to a colleague at work in a public area, and which was passed on to another colleague. The description of the video was grave in nature. The Committee noted the information that Mrs Zahiri-Dastjerdi's actions had a particularly distressing effect on one of her colleagues, and that other colleagues were clearly shocked by the video. The Committee was satisfied that Mrs Zahiri-Dastjerdi's fitness to practise was impaired at the time of these events.

In assessing whether her fitness to practise is impaired currently, the Committee considered the evidence before it. It noted that the only evidence of Mrs Zahiri-Dastjerdi's insight into the incident is that which is contained in the documentation relating to the internal investigation carried out in late 2020 by her then employer. The Committee took into account Mrs Zahiri-Dastjerdi's explanation during her interview that she had only shown the video to her colleague as a warning, and that she had deleted the video when advised that it was inappropriate to retain such a video on her phone. The Committee also had regard to Mrs Zahiri-Dastjerdi's acknowledgement that what she had done was wrong. However, it considered that her recognition of her wrongdoing only became apparent to her when she became aware of the consequences for herself with her employer. It took into account that she appeared to blame her colleagues for raising a concern without telling her first. Further noted was that Mrs Zahiri-Dastjerdi stated in her interview that she had received the video from a friend, but she appeared reluctant to provide any other details.

Mrs Zahiri-Dastjerdi has not engaged meaningfully with this hearing, and therefore the Committee has received no evidence as to the current level of her insight, or any evidence to suggest that she has reflected on her behaviour or undertaken any remediation. In the absence of such evidence, the Committee concluded that there remains a risk of repetition. In considering the level of that risk, the Committee considered that having been caught showing the video in question and having received a police caution for being in the possession of child pornography, the risk of repetition may have lessened to a degree. However, given its concerns about the current level of Mrs Zahiri-Dastjerdi's insight, and the lack of any evidence of reflection, the Committee considered there to be a reasonable risk of repetition.

In all the circumstances, the Committee considered that a finding of impairment is necessary for the protection of the public. The public includes members of the dental team and other staff members. The Committee also bore in the forefront of its mind the victims of child pornography, and that possessing and viewing child pornography creates a market for abusive material.

The Committee further determined that a finding of current impairment is required in the wider public interest. In view of the serious nature of Mrs Zahiri-Dastjerdi's offence, the Committee considered that public confidence in the dental profession and the regulatory process would be seriously undermined in the absence of such a finding.

Accordingly, the Committee determined that Mrs Zahiri-Dastjerdi's fitness to practise is currently impaired by reason of her police caution.

### **Decision on sanction**

The Committee considered what sanction, if any, to impose on Mrs Zahiri-Dastjerdi's registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the Guidance. It applied the principle of proportionality, balancing the public interest with Mrs Zahiri-Dastjerdi's interests.

In deciding on the appropriate sanction, the Committee first considered the mitigating and aggravating features of this case. It identified the following in mitigation:

- Mrs Zahiri-Dastjerdi has no fitness to practise history.
- She made an early admission to the offence.
- She demonstrated a degree of insight at the material time, in that she deleted the video when asked to, although the Committee found the extent of her insight into her wrongdoing to be very limited.
- There is no evidence of any sexual motivation.
- The incident was a single, isolated incident.



The aggravating factors that the Committee considered to be present in this case are that:

- There was actual harm and a risk of harm to others, both in terms of the nature of the video, and the impact Mrs Zahiri-Dastjerdi's actions had on her colleagues, including the particular distress caused to one colleague.
- There was a breach of the trust placed in Mrs Zahiri-Dastjerdi as a professional person, as evidenced by the reactions of her colleagues.
- There was the involvement of a vulnerable individual, given that the video featured a young child.
- Mrs Zahiri-Dastjerdi's very limited insight.

Taking all of the above into account, the Committee considered that the aggravating factors far outweighed those in mitigation. Bearing this in mind, it considered the available sanctions, starting with the least restrictive, as it is required to do.

The Committee first considered whether to conclude this case without taking any action in relation to Mrs Zahiri-Dastjerdi's registration. It decided, however, that such an outcome would be wholly inappropriate given the gravity of the offence for which she was cautioned and the identified risk of repetition. Taking no action would not serve to protect the public, nor would it satisfy the wider public interest.

For the same reasons, the Committee concluded that issuing Mrs Zahiri-Dastjerdi with a reprimand would not be proportionate or sufficient to protect the public and the wider public interest.

The Committee considered whether to impose conditions on Mrs Zahiri-Dastjerdi's registration. It took into account, however, that conditions are usually imposed to address issues relating to a registrant's clinical practice. It concluded that it could not formulate any workable conditions to address the serious matters in this case which relate to Mrs Zahiri-Dastjerdi's attitude and behaviour. The Committee therefore determined that conditional registration would not be appropriate or proportionate. An order of conditions would not afford the public the necessary protection, and it would not uphold the wider public interest.

The Committee next considered whether to suspend Mrs Zahiri-Dastjerdi's registration for a specified period. It had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension in more serious cases may be appropriate. The Committee noted that there are a number of factors present in this case which are relevant to suspension, including that Mrs Zahiri-Dastjerdi has not shown sufficient insight and the Committee has found a risk of repetition. Also, that the public interest would be insufficiently protected by a lesser sanction than suspension.

However, the Committee had regard to the gravity of this case. Whilst it took into account Mrs Zahiri-Dastjerdi's explanation for her actions as given to her then

employer, and that there is an absence of any evidence of sexual motivation, the evidence from her interview in late 2020 demonstrates that her insight into her wrongdoing was severely limited around that time.

The Committee took into account that matters of this kind are difficult to remedy, and in the two years since the events in question, which is a significant period, there has been no further evidence of insight or any evidence that Mrs Zahiri-Dastjerdi has attempted to reflect on the serious circumstances that led to her police caution. There has been nothing from her to indicate any awareness of the risk she posed to her colleagues, the wider public and the reputation of the dental profession.

For all these reasons, the Committee was not satisfied that a period of suspension, even for the maximum of 12 months, would be sufficient or proportionate to the impairment found.

In deciding against a suspension order, the Committee considered paragraph 6.34 of the Guidance which deals with the sanction of erasure. That paragraph states that *“Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion...”* The Committee identified the following factors as being present in Mrs Zahiri-Dastjerdi’s case:

- Serious departure(s) from the relevant professional standards, in that she acted in a manner that clearly breached her obligations as a registered dental professional.
- There is evidence of serious harm to another in this case on account of the nature of the video and the impact on Mrs Zahiri-Dastjerdi’s colleague.
- The abuse of trust and violation of the rights of the child seen in the video.
- There have been findings of a sexual nature involving a form of child pornography.
- In the two years since the incident, there has been a persistent lack of insight on the part of Mrs Zahiri-Dastjerdi into the seriousness of her actions and their consequences.

The Committee also had regard to paragraphs 78 to 80 of the Guidance which relate to sexual offences and child pornography. In particular, paragraph 78 states that:

*“While the Courts rightly consider the degree of seriousness of the offence(s) when sentencing, the GDC takes the view that any conviction for child pornography against a GDC registrant is a matter of grave concern because it breaches the public trust and undermines public confidence in the profession. For these reasons, any involvement in child pornography by a GDC registrant should lead the committee to consider whether erasure is the only proportionate sanction.”*

It was the judgment of the Committee having considered paragraph 78 and having noted the relevant factors from paragraph 6.34 of the Guidance as set out above, that erasure is the only appropriate and proportionate sanction.

The Committee concluded that Mrs Zahiri-Dastjerdi's behaviour as highlighted in this case is fundamentally incompatible with continued registration as a dental professional. In reaching its decision, the Committee took into account the consequences for Mrs Zahiri-Dastjerdi in not be able to work in her chosen profession, however, it was satisfied that the need to protect the public interest outweighed her own interests.

Unless Mrs Zahiri-Dastjerdi exercises her right of appeal, her name will be erased from the Register 28 days from the date when notice of this Committee's direction is deemed to have been served upon her.

The Committee now invites submissions from Mr Micklewright as to whether an immediate order of suspension should be imposed on Mrs Zahiri-Dastjerdi's registration to cover the 28-day appeal period, pending its substantive determination for erasure taking effect.

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The Committee has made a substantive direction in this case and therefore the interim order currently in place on Mrs Zahiri-Dastjerdi's registration is hereby revoked.

In reaching its decision on whether to impose an immediate order of suspension on Mrs Zahiri-Dastjerdi's registration until the substantive direction for erasure takes effect, the Committee took account of the submission made by Mr Micklewright that such an order should be imposed. The Committee accepted the advice of the Legal Adviser.

The Committee determined that it is necessary for the protection of the public, and is otherwise in the public interest, to impose an immediate order of suspension on Mrs Zahiri-Dastjerdi's registration. The Committee has identified an ongoing risk to the public on account of the serious nature of her police caution, the absence of any evidence of remediation and the very limited evidence of her insight. In the circumstances, the Committee considered that it would be inappropriate and inconsistent to allow her the opportunity to remain in unrestricted practice over the 28-day appeal period, or possibly longer, in the event of an appeal. An immediate order is therefore necessary for the protection of the public.

The Committee also considered that the imposition of an immediate order is in the wider public interest. It has determined that Mrs Zahiri-Dastjerdi's behaviour, as highlighted in this case, is fundamentally incompatible with continued GDC registration. The Committee considered that public confidence in the dental profession and this regulatory process would be seriously undermined in the absence of an order suspending Mrs Zahiri-Dastjerdi's registration immediately.

The effect of the foregoing substantive determination and this order is that Mrs Zahiri-Dastjerdi's registration will be suspended to cover the appeal period. Unless she exercises her right of appeal, the substantive direction for erasure will take effect 28 days from the date of deemed service. Should Mrs Zahiri-Dastjerdi exercise her right of appeal, this immediate order will remain in place until the resolution of the appeal.

That concludes this determination."