

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Mohammed Atif Mahmood
Teacher ref no: 0453783
Teacher date of birth: 05/05/1982
TA Case ref no: 9114
Date of Determination: 18th April 2013
Former Employer: Granville Sports College, Swadlincote

A. Introduction

A Professional Conduct Panel ("the Panel") of the National College for Teaching and Leadership convened on 17th-18th April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Mohammed Mahmood.

The Panel members were Mr Paul Bompas (Lay Panellist– in the Chair), Mrs Cynthia Bartlett (Teacher Panellist) and Mr Michael Lewis (Teacher Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the National College was Ms Samantha Paxman of Browne Jacobson Solicitors.

Mr Mohammed Mahmood was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 25th January 2013.

It was alleged that Mr Mohammed Mahmood was guilty of unacceptable professional conduct/conduct that may bring the profession into disrepute, in that:

Whilst employed at Granville Sports College, Swadlincote, he;

1. in early 2011, signed declarations, which were subsequently submitted to the OCR examining board;
 - a. certifying that students had completed work in relation to the OCR ICT Nationals, which they had not in fact completed;
 - b. and in doing so, acted dishonestly, in that he signed the declarations when he knew that the required work had not been completed by certain students;

2. in early 2011, submitted work for external moderation which had not been completed by the candidate whose work had been chosen for external moderation;
 - a. on more than one occasion;
 - b. and in doing so, acted dishonestly, in that he intentionally submitted work for external moderation despite knowing that not all of the work had been completed by the candidate whose work had been chosen for external moderation;
3. during the academic year 2010/11, failed to act in an appropriate manner with regard to the school's computer system, in that he;
 - a. allowed students to view and/or download inappropriate material from the internet using his school computer and/or staff login details;
 - b. allowed students to store music on the school servers;
4. between October and November 2011, submitted a fabricated reference to a school and/or recruitment agency;
 - a. on more than one occasion;
 - b. and in doing so, acted dishonestly, in that he submitted false references in order to assist him in obtaining employment.

No admissions were made by Mr Mahmood.

C. Preliminary Applications

Proceeding in the Absence of the Teacher

Mr Mahmood did not attend the hearing and was not represented.

The Presenting Officer applied to proceed with the hearing in Mr Mahmood's absence.

Before the Panel considered its decision, the Legal Adviser advised the panel in relation to paragraphs 4.26-4.28 of the Disciplinary Procedures and the R v Jones criteria.

The Panel announced its decision and reasons for that decision as follows:

"The Presenting Officer has applied for the hearing to proceed in the absence of Mr Mahmood as he has not attended and is not represented. The Presenting Officer has provided to us copies of correspondence (bundle A1) between representatives of the Teaching Agency and Mr Mahmood. This includes the Notice of Proceedings dated 25th January 2013 which we are satisfied was sent to Mr Mahmood (to an address provided by him in his response to the Notice of Referral in July 2012) in accordance with Paragraph 4.10 of the Procedural Rules.

We are satisfied that it is fair and just to proceed with the hearing today. It is clear from the correspondence that we have seen that Mr Mahmood has absented himself from these proceedings entirely voluntarily. He has plainly waived his right to be here or be represented. Mr Mahmood replied to the Notice of Referral on 29th July 2012 stating that he disputed the allegations and wished them to be considered at a

hearing. Since that date he has failed to reply to the Notice of Proceedings or the Teaching Agency's follow up letter to the Notice of Proceedings dated 21st February 2013. He also failed to reply to an e-mail from the Teaching Agency dated the same date attaching the Notice of Proceedings, which was sent to an e-mail address which he had used to correspond with the Teaching Agency in July 2012. He has also not replied to a recent e-mail and recent letter from the Presenting Officer concerning the additional statement of Witness D. We therefore have no hesitation in concluding that Mr Mahmood is aware of today's hearing and has voluntarily waived his right to be here or be represented. We have concluded that adjourning the hearing to a subsequent date would not achieve his attendance.

We have also taken into account that four witnesses will attend the hearing today to provide live evidence to the panel in relation to the issues in dispute. The disadvantage that Mr Mahmood could suffer as a result of his absence when these witnesses come before the panel is entirely of his own making and in any event we do possess within the papers significant comment from Mr Mahmood in relation to the facts. The panel, along with the Legal Adviser will, in any event, ensure that through questioning of the witnesses, that any possible disadvantage to Mr Mahmood is kept to a minimum. It is of importance, in consideration of fairness to all parties, that the National College's witnesses are able to give their evidence before us without further delay.

It is therefore in the public interest to proceed. We do so with great caution but are satisfied that Mr Mahmood is not unduly prejudiced by such an approach, having entirely of his own volition chosen to not attend the hearing today."

Submission of Late/Additional Documents

The Presenting Officer applied to add the statement dated 9th April 2013 of Witness D to the bundle of documents and for Witness D to be called to give live evidence.

The Panel were advised that it was at their discretion to admit the statement in evidence by way of paragraphs 4.16-4.17 of the Disciplinary Procedures if they considered the statement to be relevant to the case and that it was fair to so admit it.

The Panel concluded that the statement was relevant to an issue in dispute and could be fairly admitted as, firstly, Mr Mahmood had received it and had an opportunity to consider it and comment on it. In addition, Witness D's presence to provide live evidence would, in any event, enable the Panel to explore, in more detail than it otherwise would have been able to, the evidential support for the allegations made in paragraph 2 of the factual particulars. The statement was therefore admitted and added to the bundle of evidence. Witness D's statement became bundle pages 23 a-b.

During the course of the evidence of Witness C the computer use policy and electronics communications guidance of the school were accepted into evidence and added to the bundle at pages 434 a-k.

D. Summary of Evidence

Documents

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

- Section 1 – Anonymised Pupil List – page 2
- Section 2 – Notice of Proceedings and Response – pages 4-11
- Section 3 – Witness statement – pages 13-23
- Section 4 – Teaching Agency Documents – pages 25-433
- Section 5 – Teacher's Documents – pages 435-845

In addition, the Panel agreed to accept into evidence the additional documents referred to above at pages 23 a-b and pages 434 a-k.

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

Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The following witnesses provided live evidence to the panel:

i) Witness A (bundle pages 13-18)

Witness A is Head Teacher of Granville Sports College. In evidence, she summarised the nature of the school's investigation into the matters concerning Mr Mahmood and the key evidential facts discovered during the course of the investigation.

ii) Witness B (bundle pages 22-23)

Witness B is Assistant Head Teacher of Granville Sports College. He investigated the concerns relating to the OCR National ICT exam results by interviewing a number of people including Mr Mahmood and students.

iii) Witness C (bundle pages 19-21)

Witness C is an IT Technician at Granville Sports College. He had, on 18 May 2011, observed activity on the computer in Mr Mahmood's classroom at the time, which at the time was being used to watch 'YouTube' clips. He was also aware of students storing videos and music on the school's server.

iv) Witness D (bundle pages 23 a-b)

Witness D is Deputy Head Teacher at Granville Sports College. Witness D assisted in the investigation of the documents submitted for external moderation.

E. 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.

This case involves a Head of ICT Faculty who dishonestly signed OCR Nationals declarations certifying that students had completed work which they had not completed; dishonestly submitted work for external moderation in similar circumstances; allowed students to view and download material inappropriately on school computer equipment and dishonestly submitted fabricated references to school/recruitment agencies.

Findings of fact

Our findings of fact are as follows:

1(a)

We find this particular proved. As indicated by the minutes of the Disciplinary Meeting on 9th June 2011, at the top two paragraphs of page 126 of the bundle, it was accepted by Mr Mahmood that the qualifications were claimed for wrongly. It was not disputed that Mr Mahmood had signed and submitted the relevant declarations.

1(b)

We find this particular proved. We are satisfied on the balance of probabilities that Mr Mahmood acted dishonestly when he signed the declarations as we are satisfied that such conduct is plainly objectively dishonest and that Mr Mahmood was aware that the required work had not been completed, as signed for by him, by the relevant students. The signing of such declarations was core to Mr Mahmood's role as the Head of ICT Faculty and due to the incident of the previous year (which Mr Mahmood makes reference to in his submissions) he would have been well aware of the importance of checking the accuracy of such declarations. Furthermore, Mr Mahmood had received an e-mail from the departing Mr Berridge on 15th January 2011 which indicated (bundle page 529 paragraph 8 and when read in its entirety) that the relevant work was incomplete. Our finding is further supported by Mr Mahmood's comment to pupil BS (reference bundle page 68, answer to question 2) that he had done the work for her when she questioned the receipt of her ICT certificate. We have also considered Mr Mahmood's reaction to the external moderation issue in making our decision. We note that at this stage, rather than accepting the error in relation to the declarations, he altered the pupil files to be submitted for external moderation. We find that his actions at that time support the contention that, on 17th February 2011, he was aware that he was signing declarations inaccurately and that the pupils had not completed the required work.

2(a)

We find this particular proved. Witness D provided live evidence to us that confirmed that he had reviewed a number of the relevant folders and that the folders of a number of students contained material that had been printed off from another student's electronic account. It was clear to Witness D that this work had been inserted into a number of students' hard copy folders on the false basis that it was their own work.

2(b)

We find this particular proved. Mr Mahmood was in sole control of the examination/moderation/declaration process in relation to this subject. He was the only person who was aware of where the gaps presented in the individual students' folders were, once Individual A had left the school in January 2011, which pre-dated the request for the folders to be considered by way of external moderation. He had access to the files which were stored under his control. We have received written evidence (bundle pages 33-51) that of 19 students asked, 14 confirmed in writing that they had not completed the work contained in their folders. Mr Mahmood, as Head of Faculty was fully aware of and had experience of the process and requirements in relation to external moderation. Work was submitted in students' folders that was not theirs and in changing the contents of the folders knowingly to cause this, which we find Mr Mahmood did, he must have been acting in both an objectively and subjectively dishonest way. No-one else was in a position to be able to form the content of the folders in this way when the request was made. When Mr Mahmood made the written declaration to the external moderator, he was confirming that the folders contained the students' own work. He was well aware that they did not. We further note and take into account that when Mr Mahmood was asked about this by Individual D (bundle page 57) he stated that he wanted to offer his resignation.

3(a)

We find this particular proved in part. On the balance of probabilities, we are satisfied that students did view inappropriate YouTube material on a school computer to which he had logged in.

3(b)

We find this particular not proved. We are satisfied that students were storing music on the school servers but cannot be satisfied on the balance of probabilities that Mr Mahmood allowed this to happen in an inappropriate manner.

4(a) and (b)

We find these particulars proved. We find the evidence of Witness A to be reliable and compelling (statement paragraphs 10-13). It is clear that one reference was presented in her name which she had not prepared. The mobile number provided within it for Witness A was in fact the mobile phone number of Mr Mahmood's wife. This reference was clearly fabricated by Mr Mahmood and submitted dishonestly. Similarly in relation to the three references prepared in the name of Individual B from a google e-mail account (who was not in any event Assistant Head Teacher as stated in the false reference) which Individual B confirmed in a meeting (bundle page 424) was not his e-mail account. Individual B was able to view the Staffordshire School reference at this meeting and confirmed that he had not prepared it. Mr Mahmood appears to admit his wrongdoing in his letter to Individual C dated 25th May 2012 at page 452 of the bundle.

Findings as to Unacceptable Professional Conduct/Conduct that may bring the profession into disrepute

In our judgement the proved facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Mahmood's dishonest conduct amounts to a clear failure to uphold public trust in the profession and maintain high standards of ethics and behaviour.

The proved facts demonstrate a lack of honesty and integrity in the professional setting that amounts to serious misconduct and behaviour that falls significantly short of the standard expected of a teacher. Pupils must be able to view teachers as role models in the way they behave and Mr Mahmood has wholly failed in this regard. His actions were pre-meditated and the dishonest behaviour was repeated and, in part, covered up. His actions concerning the qualifications went to the heart of his integrity as a Head of Faculty and amounted to an abuse of his position. They risked bringing a public examination process into disrepute. They seriously harmed the educational well-being of individual pupils and the reputation of the school in the local community. His dishonest preparation of references shows a lack of personal integrity of the highest order.

Panel's Recommendation to the Secretary of State

In this case we recommend the imposition of a Prohibition Order by the Secretary of State.

We form the view that a Prohibition Order would be a proportionate measure in the circumstances of the case. The factual allegations which have been proved form serious and deliberate departures from the personal and professional conduct elements of the Teachers' Standards and the previous GTC Code of Conduct. They demonstrate professional misconduct which significantly affected the education and well-being of pupils.

The panel is concerned that Mr Mahmood has not engaged in these proceedings and has shown no real insight into his behaviour. He has indicated no real remorse either at the disciplinary interview at the school or through the course of the Teaching Agency's/the National College's proceedings. This assists the panel in reaching the view that there is an ongoing possibility of behaviour of this kind recurring which would put children at risk and the reputation of the profession at risk. We have formed the view that prohibition is a proportionate outcome in this case and the only outcome that ensures that public confidence in the profession is maintained and proper standards of conduct are declared and upheld.

Mr Mahmood has not put forward any compelling mitigation or explanations for his behaviour, which was repeated and affected significant numbers of students. He abused his position as Head of Faculty and, subsequent to this, demonstrated a complete lack of integrity at a personal level by fabricating his references. We have however taken account of the mitigation put forward in the bundle at page 455 in an e-mail to Individual C. Mr Mahmood's failure to engage with the process prevents us from considering any possible mitigation further.

We recommend that Mr Mahmood should not at any time in the future be allowed to apply for the Prohibition Order to be reviewed.

Secretary of State's Decision and Reasons

I have given careful consideration to the findings and recommendations of the panel.

The allegations found proven represent a serious departure from the standards expected of a teacher. Mr Mahmood has acted dishonestly and his actions were pre-meditated and not an isolated instance. Mr Mahmood has not engaged with the proceedings and has shown no insight into his behaviour. There is little evidence of mitigation and in the circumstances I agree the panel's recommendation that a prohibition order be imposed.

Furthermore, given the lack of insight and compelling mitigation, I agree that the order should be without the opportunity for review.

This means that Mr Mohammed Mahmood 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 Mohammed Mahmood 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 Mohammed Mahmood 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: Paul Heathcote

DATE: 19 April 2013