



National College for
Teaching & Leadership

Mr Abdul Mosobbir: Professional Conduct Panel outcome

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

October 2013

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Abdul Mosobbir
Teacher ref no:	04/41378
Teacher date of birth:	1 October 1976
NCTL Case ref no:	10044
Date of Determination:	21 October 2013
Former employer:	Ursuline Academy, Ilford

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 October 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Abdul Mosobbir.

The Panel members were Mr William Brown OBE (Lay Panellist – in the Chair), Mr Mark Tweedle (Teacher Panellist) and Ms Sharon Gimson (Lay Panellist).

The Legal Adviser to the Panel was Mrs Isabelle Mitchell of Eversheds Solicitors.

The Presenting Officer for the National College was Ms Chloe Binding of Kingsley Napley Solicitors.

Abdul Mosobbir was present and was represented by Mr David Malone, Counsel of 1 Gray’s Inn Square.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 19 August 2013.

It was alleged that Abdul Mosobbir was guilty of having been convicted of a relevant offence, in that:

1. on 2 November 2012 Abdul Mosobbir was convicted of 4 offences of causing / inciting sexual activity with a female 13-17, offender 18 or over, abuse of position of trust (between 01/01/11 – 10/11/11), contrary to the Sexual Offences Act 2003

and was sentenced on 29 January 2013 to a Community Order for 18 months, a supervision requirement, a Restraining Order – protection from harassment and issued with a sexual offenders notice for 5 years.

In response to the Notice of Proceedings, Abdul Mosobbir has admitted the facts of the allegation and admitted that those facts amount to having been convicted of a relevant offence.

C. Preliminary applications

No preliminary applications were made.

D. Summary of evidence

Documents

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

Section 1: Anonymised Pupil List (with a Chronology to follow) (Pages 1 to 5)

Section 2: Notice of Proceedings and Response (Pages 6 to 12)

Section 3: National College for Teaching and Leadership Witness Statements (Page 13)

Section 4: National College for Teaching and Leadership Documents (Pages 14 to 164)

Section 5: Teacher's Documents (Pages 165 to 195)

The Legal Advisor commented that the following numbered pages were missing from the bundle of documents:

1. Pages 43 to 46
2. Pages 50 to 51
3. Pages 69 to 76
4. Pages 83 to 87
5. Pages 91 to 97

The Legal Advisor sought an explanation from the Presenting Officer as to whether or not this was intentional. The Presenting Officer explained these pages were hand written versions of the typed statements within the bundle and had been removed. Mr David Malone, on behalf of Abdul Mosobbir, confirmed he was aware that these pages had been removed and was content to proceed on that basis.

The Presenting Officer also explained that the chronology that was intended to follow is not available and apologised for this omission.

Application to admit further evidence

Mr David Malone sought to admit into evidence a small bundle of papers as sent to the National College last week, which were considered to be relevant to Abdul Mosobbir's case and asked that these be placed before the Panel.

The Panel sought representations from the Presenting Officer in relation to the request. The Presenting Officer confirmed that the National College had no objection to the documents being admitted into evidence.

The Panel agreed to accept the three additional documents and add them to the bundle of papers as follows:

- Letter from Dr A dated 1 August 2013 (Page 196)
- Letter from Individual B dated 4 December 2012 (Pages 197 to 198)
- Report from Dr C dated 6 October 2013 (Pages 199 to 201)

No further requests for late/additional documents were received.

The parties provided an agreed statement of facts and this was added to the bundle of papers at Pages 202 to 203.

The Panel Members confirmed that they had read all of the documents in advance of the hearing including the additional bundle of papers provided by Mr Malone on behalf of Abdul Mosobbir and the agreed statement of facts.

Witnesses

The Presenting Officer made an opening statement by reading the agreed statement of facts.

The Panel heard oral evidence from Mr Abdul Mosobbir, who gave evidence on matters of mitigation.

The Presenting Officer and Mr Malone, on behalf of Abdul Mosobbir, both made closing statements.

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, including the three additional documents admitted into evidence this morning and the agreed statement of facts.

Summary of Evidence

Abdul Mosobbir was employed at Ursuline Academy as a Mathematics Teacher from 2009 to 2011.

Abdul Mosobbir admits that between 1 January 2011 and 10 November 2011 he met with Pupil A outside of school on around 30 occasions, including on four or five occasions at Pupil A's house. Abdul Mosobbir admits to kissing Pupil A on a number of these occasions, sending Pupil A text messages and voicemail messages and admits they became boyfriend and girlfriend. Abdul Mosobbir admits when visiting Pupil A at home in November 2011, Pupil A's father returned home early and found Abdul Mosobbir alone with Pupil A.

On 2 November 2012, Abdul Mosobbir was, upon his own confession, convicted on four counts of causing / inciting sexual activity with a female (13-17) by an offender over 18, in abuse of a position of trust. Abdul Mosobbir was sentenced on 29 January 2013 to 18 months community sentence, subject to a restraining order under the Protection from Harassment Act and placed on the Sex Offenders Register for five years.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against you proven:

On 2 November 2012 you were convicted of 4 offences of causing / inciting sexual activity with a female 13-17, offender 18 or over, abuse of position of trust (between 01/01/11 – 10/11/11), contrary to the Sexual Offences Act 2003 and were sentenced on 29 January 2013 to a Community Order for 18 months, a supervision requirement, a Restraining Order – protection from harassment and issued with a sexual offenders notice for 5 years.

We have found this particular proven for the following reasons:

We note Abdul Mosobbir's admission of the allegations and the agreed statement of facts.

We have also considered the Certificate of Conviction at Snaresbrook Crown Court on 2 November 2012, which certified that, upon his own confession, Abdul Mosobbir was convicted on four counts of causing / inciting sexual activity with a female (13-17) by an offender over 18, in abuse of a position of trust. We are satisfied that this certificate accurately records the conviction and that it proves that Abdul Mosobbir was convicted as alleged.

Findings as to the conviction of a relevant offence

Abdul Mossobir admits that his conduct amounts to conviction of a relevant offence. However, we as the Panel must make our own determination. In considering the allegation, we have had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

The Guidance states that “conviction of a relevant offence” refers to a conviction of an offence that is relevant to a person’s fitness to be a teacher, by a British criminal court.

The Panel is satisfied that Abdul Mosobbir has been convicted by a British criminal court, namely Snaresbrook Crown Court, as evidenced by the certification of conviction dated 2 November 2012.

Where there has been a criminal conviction, the Guidance says that the Panel should be concerned only to establish the gravity of the offence and its relevance to the teacher’s ongoing suitability to teach. This includes considering whether, and to what extent, the behaviour involved in committing the offence was contrary to the standards of personal and professional conduct expected of a teacher and that this should be judged with reference to the latest standards published by the Secretary of State in June 2013.

We have considered the relevant standards, and in particular we consider that the following standards are relevant:

“A teacher is expected to demonstrate consistently high standards of personal and professional conduct. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by... at all times observing proper boundaries appropriate to a teacher’s professional position... having regard for the need to safeguard pupils’ well-being in accordance with statutory provisions...”; and

“Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.”

We have used our knowledge and experience of the teaching profession to assess Abdul Mosobbir’s fitness to be a teacher and have taken into account how the teaching profession is viewed by others, and the influence that teachers may have on pupils, parents and others in the community.

We consider that the offence was a serious one and was contrary to teaching standards. Abdul Mosobbir engaged in a relationship with a young, adolescent pupil whom he had previously taught and this relationship continued over a sustained period of time - meeting on around 30 occasions and increasing in intensity. Abdul Mosobbir was responsible for driving and encouraging this relationship, as he gave Pupil A his mobile

telephone number and sent Pupil A text messages, voicemail messages and letters. Whilst we note that Abdul Mosobbir was suffering from depression during this time, when questioned by the Panel he accepted that throughout the period of the offence he knew that what he was doing was wrong. Abdul Mosobbir says that he did not know what to do and who to ask for help, but accepts that he was trained on child protection issues, was aware of who to speak to at the school in relation to child protection issues and was aware of what the appropriate boundaries with pupils were. We therefore consider that Abdul Mosobbir disregarded the safeguarding standards required by the school, of which he was clearly aware. Notwithstanding the personal pressures that Abdul Mosobbir may have been under at that time, we consider that he abused his position of trust.

Observing proper and appropriate boundaries with pupils is a fundamental duty of a teacher. Abdul Mosobbir clearly failed to observe those boundaries with Pupil A. Further, we have seen evidence that Pupil A's well-being has been affected by the offences. We are therefore satisfied that his conduct fell significantly short of the standards expected of a teacher by both pupils and the public.

We are also satisfied that the nature of the offence and the behaviour is relevant to teaching, working with children and working in an education setting. Pupil A attended the school at which Abdul Mosobbir taught and this was the means by which they met.

We consider that the behaviour involved would be likely to have an impact on the safety or security of pupils and members of the public, given it involved serious offences of a sexual nature. There is also no indication that the behaviour would have stopped save for the discovery of the relationship by Pupil A's father.

We also consider that the behaviour involved in committing the offence would be likely to impact on the public confidence in the teaching profession. The public put teachers in a position of trust and as a result of Abdul Mosobbir conducting a relationship with Pupil A, despite being aware that this was wrong, he abused that position of trust.

We have noted the Judge's comments in sentencing and the fact that the offence did not lead to a term of imprisonment. However, we note that this was a type of offence that could have led to a term of imprisonment.

The Guidance states that it is likely that all criminal offences that involve serious sexual misconduct will be considered relevant, but that each case needs to be considered on its individual merits by taking into account the circumstances involved. We do consider that the offences for which Abdul Mosobbir was convicted involved serious sexual misconduct. Whilst the sexual acts themselves were not serious, given the age of Pupil A and the sustained period of time over which the behaviour occurred, we consider the offence involved serious misconduct, of a sexual nature.

We therefore find that Abdul Mosobbir's conviction was of a relevant offence.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of a conviction of a relevant offence, 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.

The Panel has heard evidence that Abdul Mosobbir is of previous good character and contributes to his local community. The Panel has also taken account of the fact that Abdul Mosobbir has accepted the facts of the case and attended before the Panel expressing deep remorse, regret and shame for what he has done.

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 a 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 Teacher Misconduct – Prohibition of Teachers Advice and having done so has found a number of them to be relevant in this case, namely the protection of children, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

Given that there was an inappropriate relationship fostered and encouraged by the teacher with a young, adolescent pupil over a sustained period of time, the Panel is of the view that there is a strong public interest consideration in respect of the protection of children.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Abdul Mosobbir was not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Abdul Mosobbir was outside that which could reasonably be tolerated. Abdul Mosobbir was in a position of trust; a position which he clearly abused and disregarded and one which the Panel considers goes right to the heart of the teaching profession.

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 Abdul Mosobbir. In forming a judgement in this respect, the Panel took particular account of the mitigating evidence

that was presented to it. Abdul Mosobbir has expressed his passion for teaching before the Panel today and said that he wants to continue teaching in the future.

The Panel was also mindful of the fact that Abdul Mosobbir has admitted to the facts of the allegation, engaged with the Panel at today's hearing and expressed his remorse and regret for harm caused.

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 Abdul Mosobbir. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers 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 are:

- serious departure from the personal and professional conduct elements of the latest teachers' standards;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk;
- abuse of position/trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- serious criminal offences.

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.

In light of the Panel's findings, there was no evidence to suggest that Abdul Mosobbir was acting under duress, and in fact the Panel found the teacher's actions to be deliberate. The Panel found that Abdul Mosobbir encouraged the relationship with Pupil A and he accepted in evidence that he knew what he was doing was wrong.

The Panel has taken account of the fact that Abdul Mosobbir appears to have a previously good record.

The Panel has heard that Abdul Mosobbir accepts full responsibility for the offences and expresses deep regret for his actions. The Panel recognises that he was suffering from health issues and personal problems at the time of the offences and that he continues to receive treatment for these issues. The Panel has also seen and heard evidence from Abdul Mosobbir and medical professionals that, in light of his current health, Abdul Mosobbir is not in a position to teach at this moment.

The Panel is concerned by the fact that it was only the discovery by Pupil A's father that brought an end to the inappropriate relationship. The Panel acknowledges that the evidence provided in mitigation supports the fact that Abdul Mosobbir has worked on

ensuring that any health issues are properly and appropriately managed. However, the Panel cannot ignore the risk that, if Abdul Mosobbir were to suffer further hardship or a deterioration in his health, he may react in a similar way to difficult circumstances in the future. It is also of concern that the stresses of the teaching profession contributed to Abdul Mosobbir's state of mind during this time and therefore the Panel is concerned what impact a future career in teaching may have.

The Panel is therefore of the view that Prohibition is both proportionate and appropriate. The Panel has decided that the public interest considerations outweigh the interests of Abdul Mosobbir. The serious nature of the offence, the decision to disregard the importance of his position of trust, despite being aware that this was wrong, and the current risks posed by Abdul Mosobbir were significant factors in forming that opinion.

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 appropriate for them to decide to recommend that a review period of the order should be considered. The Panel were mindful that the Teacher Misconduct – Prohibition of Teachers 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 two years.

The Teacher Misconduct – Prohibition of Teachers Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious sexual misconduct. The Panel has found that Abdul Mosobbir has been responsible for committing an offence that involved serious misconduct, against a young pupil, that was sexual in nature.

The Panel recognises that Abdul Mosobbir has admitted that what he did was wrong and has sought help for his health issues and the Panel acknowledges that some progress has been made. The Panel also acknowledge that Abdul Mosobbir has attended today to express his deep remorse and regret.

However, in light of the seriousness of the offence, and the lack of judgement shown by Abdul Mosobbir, the Panel considers that he poses an ongoing risk and cannot be assured that such an incident will not happen again in the future. The Panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

The panel have found the allegation proven in this case. Mr Mosobbir has admitted that he has been convicted of a relevant offence.

The offence is a serious one. Observing appropriate boundaries with students is a fundamental duty of a teacher and Mr Mosobbir has clearly failed to observe those boundaries in this case. This case involves serious offences of a sexual nature and the panel saw no evidence that suggested the behaviour would have stopped save for the discovery of the relationship by the pupil's father. Mr Mosobbir has abused his position of trust.

The panel have paid much attention to the public interest element of this case and have concluded there is a strong public interest consideration in respect of the protection of children. Public confidence in the profession would be weakened if Mr Mosobbir's behaviour was not dealt with seriously.

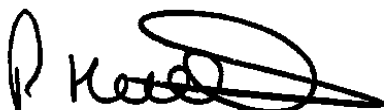
The panel have recommended that a prohibition order is an appropriate and proportionate sanction in this case and I agree.

The panel went on to consider the matter of a review period. They noted Mr Mosobbir's co-operation with proceedings and his expressions of remorse and regret alongside underlying health issues at the time of the incidents. However, in light of the seriousness of the offence and the lack of judgement on Mr Mosobbir's part, the panel consider him to be an ongoing risk and have recommended that there be no provision for a review period. I agree with this recommendation.

This means that Mr Abdul Mosobbir 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 allegation found proved against him, I have decided that Mr Abdul Mosobbir 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 Abdul Mosobbir 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 black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 22 October 2013

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