



National College for
Teaching & Leadership

Ms Nargs Bibi: Professional conduct panel outcome

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

June 2015

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

Teacher:	Ms Nargs Bibi
Teacher ref no:	0674546
Teacher date of birth:	18 December 1983
NCTL case ref no:	12511
Date of determination:	23 June 2015
Former employer:	Knowsley Junior School, Oldham

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 June 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Nargs Bibi.

The panel members were Mrs Mary Speakman (teacher panellist and chair), Mr Colin Parker (teacher panellist) and Ms Nicolé Jackson (lay panellist).

The legal adviser to the panel was Miss Eszter Horvath-Papp of Eversheds LLP.

The presenting officer for the National College was Rachel Cooper of Nabarro LLP.

Ms Bibi was not present and not represented.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 March 2015 and as amended in the letter dated 4 June 2015 notifying of the date of this meeting.

It was alleged that Ms Nargs Bibi was guilty of unacceptable professional conduct / conduct that may bring the profession into disrepute in that:

1. Ms Bibi posted on social media malicious and/or offensive communications;
2. The communications include the following posted on 3 October 2014:
3. The communications include the following posted on 4 October 2014:

[The details of the messages have been redacted from the decision published on the website but are available from the NCTL teacher regulation team on request.]

4. In posting the messages set out at 1 and/or 2 and/or 3, she:
 - a. undermined fundamental British values,
 - b. demonstrated an intolerance to other faiths and/or beliefs,
 - c. promoted political and/or religious extremism whether deliberately or otherwise.

Ms Bibi admitted the allegations and accepted her conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

Whilst there were no preliminary applications, the panel was mindful of its discretion at paragraph 4.90 of the disciplinary procedures, and considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Ms Bibi has requested a meeting rather than a hearing and the panel has had the benefit of her representations. The panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter

without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

Further, the panel was mindful of the risks of proceeding in Ms Bibi's absence, without the opportunity to assess the evidence put forward in support of her mitigation. However, the panel was satisfied that it had sufficient information available and that it was in the public interest to proceed with the meeting in her absence.

D. Summary of evidence

Documents

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

Section 1 – Chronology – page 2

Section 2 – Notice of referral, response and notice of meeting – pages 4 to 9D

Section 3 – Statement of agreed facts and presenting officer representations – pages 11 to 23

Section 4 – NCTL documents – pages 24 to 69

Section 5 – Teacher documents – pages 71 to 87

In addition, the panel agreed to accept two e-mails from Ms Bibi dated 9 and 10 June 2015.

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

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has now carefully considered the case before it and has reached a decision.

The panel confirmed that it had read all the documents provided in the bundle in advance of the meeting.

Ms Bibi had been employed at Knowsley Junior School in Oldham, but had been dismissed in December 2010. On 3 and 4 October 2014, she posted a number of

messages on her Twitter account, which were alleged to be malicious and/or offensive. She was arrested by Greater Manchester Police but no further action was taken. Ms Bibi has admitted the allegations and has explained that her action was out of character, at a time when she was suffering from poor mental health.

Findings of fact

The panel's findings of fact are as follows. Whilst the panel noted Ms Bibi's admission of the allegations, the panel turned its own independent mind to whether the facts were proven. In particular, the panel noted that Ms Bibi did not appear to have agreed the fact that she had been employed as a teacher at Knowsley Junior School, Oldham between 24 August 2007 and 10 December 2010 (page 15 of the bundle). However, the panel was satisfied that this must have been an oversight on her part and there was evidence confirming her employment at the school (page 72 of the bundle).

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

1. Ms Bibi posted on social media malicious and/or offensive communications;

The bundle of documents contained a large number of printouts of Ms Bibi's Twitter messages. The panel found the tone and nature of these messages to be malicious and highly offensive. There was no evidence that these messages had been posted by anyone other than Ms Bibi.

The panel was satisfied that this allegation was proven.

2. The communications included certain communications posted on 3 October 2014 labelled (a) to (z) in the letter of 4 June 2015;

The panel reviewed all of the documentation and was satisfied that each of the tweets (a) to (z) had been posted by Ms Bibi's Twitter account on 3 October 2014.

The panel was satisfied that this allegation was proven.

3. The communications included certain communications posted on 4 October 2014 labelled (a) to (n) in the letter of 4 June 2015;

The panel reviewed all of the documentation and was satisfied that each of the tweets (a) to (n) had been posted by Ms Bibi's Twitter account on 4 October 2014.

The panel was satisfied that this allegation was proven.

4. In posting the messages set out at 1 and/or 2 and/or 3, she:

- a. undermined fundamental British values,**
- b. demonstrated an intolerance to other faiths and/or beliefs,**
- c. promoted political and/or religious extremism whether deliberately or otherwise.**

The panel considered that the nature of the tweets had the potential to incite religious hatred and expressed some extreme views. The messages would have been offensive to people of Muslim and other faiths and were self-evidently demonstrating intolerance to other faiths and beliefs. The panel was satisfied that such communications undermined fundamental British values of mutual respect and tolerance of those with different faiths and beliefs, and promoted political and religious extremism.

The panel was therefore satisfied that this allegation was proven.

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

Having found the facts of the allegations proven, the panel went on to consider whether those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel noted Ms Bibi's admission of both these points, but nevertheless turned its own independent mind to them.

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in the 'Teacher Misconduct – The Prohibition of Teachers' advice (the "guidance").

The panel was satisfied that the conduct of Ms Bibi in relation to the facts found proven, involved breaches of the Teachers' Standards, in particular the following:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - showing tolerance of and respect for the rights of others; and
 - 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.

The panel was satisfied that Ms Bibi's conduct fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Bibi's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance and has found that the offences relating to intolerance and/or hatred on the grounds of race/religion

were relevant. The panel noted that the guidance indicated that where behaviours associated with such offences exist, a panel would be likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the conduct found proven took place outside of the education setting. However, the panel was of the view that such extreme and malicious behaviour in such a public forum, particularly where her real name was publicly visible, demonstrated deeply held beliefs that could adversely impact Ms Bibi's role as a teacher or might lead to pupils being exposed to or influenced by her behaviour in a harmful way.

Accordingly, the panel was satisfied that Ms Bibi was guilty of unacceptable professional conduct.

The panel has also considered whether the conduct found proven also amounted to conduct that could bring the profession into disrepute. 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.

The findings of misconduct were serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception, particularly in light of the fact that her name was publicly visible and her role as a teacher was easily identifiable from information publicly available on the internet, as demonstrated by the fact that her conduct was reported by a member of the public (page 64).

The panel therefore found that Ms Bibi's actions also constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was 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 had to consider whether it was an appropriate and proportionate measure, and whether it was in the public interest to do so. The panel was mindful that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they were likely to have punitive effect.

The panel considered the particular public interest considerations set out in the ‘Teacher Misconduct – The Prohibition of Teachers’ advice (the “guidance”) and having done so found a number of them to be relevant in this case, namely:

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

In light of the panel’s findings against Ms Bibi, which involved conduct which fell seriously short of the standards of conduct expected of a teacher, there was a strong public interest consideration in protecting pupils from such extreme and malicious views and behaviour. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Bibi was not treated with the utmost seriousness when regulating the conduct of the profession. The panel also considered that there was a strong public interest consideration in declaring proper standards of conduct in the profession, as the conduct found against Ms Bibi was outside that which could reasonably be tolerated, particularly given the public nature of her actions.

The panel took account of the guidance, which suggested that a prohibition order might be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case were:

- 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, democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism
- a potentially deep-seated attitude that leads to harmful behaviour.

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 Ms Bibi. In carrying out this balancing exercise, the panel considered 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.

In particular, the panel noted that the behaviour was limited to 3 and 4 October 2014, effectively a single incident, and appeared to have been linked to Ms Bibi’s mental health issues. Although there was no direct evidence that Ms Bibi had been suffering from a psychotic episode at the specific time of the incident, she was admitted to hospital a

month later, and the panel considered that there was sufficient evidence of a background of mental health problems. The panel considered that the facts found proven amounted to extremely serious behaviour, and it was only the context of Ms Bibi's mental health problems which mitigated her circumstances.

The panel also referred to the previous disciplinary proceedings against Ms Bibi in July 2012, which included a finding of unacceptable professional conduct, although no sanction was recommended at that time. The panel noted that the findings against her at that time related to her unprofessional interaction with colleagues, and were also linked to her mental health issues at the time.

The panel was concerned to ensure that should distressing events unfold in the future, that Ms Bibi should be able to respond appropriately, recognise when medical assistance is required and manage her condition. The panel noted her representations in her e-mail of 9 June 2015 that she was continuing to see her doctor and was hoping to do some voluntary work on her doctor's advice. The panel was of the view that Ms Bibi was on the long road to recovery, though was not yet ready to return to teaching.

On that basis, the panel was of the view that prohibition was both proportionate and appropriate. The panel was satisfied that the public interest considerations outweighed the interests of Ms Bibi. Accordingly, the panel made 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 it to decide to recommend that a review period of the order should be considered. The panel was mindful that the guidance advised 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 noted that Ms Bibi had been out of teaching since her dismissal from the school in 2010 and was subject to an interim prohibition order. The panel noted that she was making tentative steps to return to the work environment and was hoping to engage in some voluntary work under the advice of her doctor.

The panel also considered that the guidance indicated that the panel should consider recommending no provision for the prohibition order to be set aside in cases involving intolerance and/or hatred on the grounds of race or religion. Whilst the panel considered that this general rule applied to Ms Bibi's case, the panel was mindful that the incident was out of character and due to her mental health problems at the time. The panel was satisfied that Ms Bibi had demonstrated genuine regret over her actions and in all the circumstances, the panel did not consider it appropriate to follow the guidance in this case. The panel noted that Ms Bibi referred to the last 5 years having been turbulent and she would need further time to respond to medical treatment.

On balance, the panel felt that a review period of 5 years would be proportionate and appropriate in the circumstances, as this would give her sufficient time to undergo medical treatment and regain her mental strength, as well as gradually return to the world of work.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations of the panel in respect of both sanction and review period.

This case involves findings that Ms Bibi posted on social media, malicious and/or offensive communications and that in posting the communications Ms Bibi:

- undermined fundamental British values
- demonstrated an intolerance to other faiths and/or beliefs
- promoted political and/or religious extremism whether deliberately or otherwise.

The panel has found the facts proven and that Ms Bibi was guilty of unacceptable professional conduct as well as conduct that fell significantly short of the standards expected of the profession, and that may bring the profession into disrepute.

The panel is clear also that Ms Bibi's conduct breached the Teachers' Standards, in particular the following:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - showing tolerance of and respect for the rights of others; and
 - 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.

I have taken into account the need to be proportionate and the need to balance the rights of Ms Bibi with the wider public interest.

The comments made by Ms Bibi are very serious and very offensive. The comments include ones that are malicious and ones that would have caused significant harm and would have upset many people.

I have also taken into account the guidance published by the Secretary of State which makes it very clear that behaviour of this type is likely to lead to a prohibition order.

I therefore support the recommendation of the panel that a prohibition order is appropriate and proportionate and in the public interest.

I have then gone on to consider the issue of a review period.

I have read the panel's recommendation very carefully and in particular have taken into account the matters that they set out.

I have also read carefully the advice published by the Secretary of State which very clearly sets out, as the panel acknowledge, that "a panel should consider recommending to the Secretary of State that a prohibition order is imposed with no provision for the teacher to apply for it to be set aside after any period of time where the case involved or permitted any of the following... intolerance and/or hatred on the grounds of race/religion or sexual orientation."

I have considered all the arguments set out in the panel's recommendation with great care. On balance I do not believe that the panel has placed sufficient weight on the serious and extreme nature of the comments, and has given rather too much weight to the mitigation set out.

I have therefore decided that the prohibition order should have no provision for review. In my view this decision reflects the extreme nature of the material posted on Twitter and the regard with which the public will hold a teacher who has posted such material.

This means that Ms Nargs Bibi 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 her, I have decided that Ms Nargs Bibi shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Nargs Bibi has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

NAME OF DECISION MAKER: Alan Meyrick



Date: 24 June 2015

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