

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Mohammad Bashir Uddin

Teacher ref no: 0753472

Teacher date of birth: 23 March 1980

TA Case ref no: 7666

Date of Determination: 26 March 2013

Former Employer: Stockland Green Technology College (now Stockland Green School), Erdington, Birmingham

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 25 and 26 March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Mohammad Bashir Uddin.

The Panel members were Mr David Foster (Lay Panellist– in the Chair), Dr Melvyn Kershaw (Teacher Panellist) and Mrs Sheba Joseph (Teacher Panellist).

The Legal Adviser to the Panel was Mr Christopher Alder of Blake Lapthorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Sam Paxman of Browne Jacobson Solicitors.

Mr Mohammad Bashir Uddin 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 20 December 2012.

It was alleged that Mr Mohammad Bashir Uddin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at Stockland Green Technology College, Erdington, Birmingham between 26 September 2008 and 30 September 2010, he;

1. had inappropriate contact with a Year 11 student, Student A, between September 2008 and May 2009, in that he;

- a. gave her his personal email address;
 - b. communicated with her via 'MSN';
 - c. called her on her mobile telephone;
 - d. told her that he would go to her house during his free periods;
 - e. parked outside her house on at least one occasion;
 - f. detained her in the school corridors without good reason;
 - g. touched her in an inappropriate manner;
 - i. on a least one occasion;
 - ii. whilst on the school premises;
2. continued to have inappropriate contact with Student A, who was then a former student of the school, between May and November 2009, in that he;
- a. called her on her mobile telephone;
 - b. told her that he would go to her house during his free periods;
 - c. asked her what her bedroom looked like;
 - d. told her that he wanted to test how strong her bed was;
3. had inappropriate contact with Student B, in 2009, in that he;
- a. called her over to him and asked her to get into his car, where he;
 - i. told her she was "sexy" on at least one occasion;
 - ii. put his hand on top of her hand, which was in her lap;
 - iii. stroked her hand with his own;
 - iv. rubbed her leg; v. rubbed her arm;
 - vi. stroked her face;
 - b. requested her personal email address;
 - c. called her on her mobile;
 - d. touched her in an inappropriate manner during woodwork lessons;
 - e. told her to wait for him in his classroom, then proceeded to pull her into a cupboard, where he;

- i. told her she was "sexy";
 - ii. hugged her;
 - iii. asked her what she wanted from him;
- f. detailed her in the school corridors, and;
 - i. touched her in an inappropriate manner;
 - ii. caused her to be late for a lesson;
4. gave personal contact details to other students of the school and told them to contact him;
5. failed to follow guidance provided to him as part of safeguarding training in his conduct towards students as set out in 1 - 4

Mr Uddin did not admit the allegations.

C. Preliminary Applications

At the outset of the hearing, the Presenting Officer provided evidence to confirm that the Notice of Proceedings had been posted to Mr Uddin's last known address and applied for the hearing to proceed in Mr Uddin's absence. She observed that Mr Uddin had responded to the Notice.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

The Panel should consider Regulation 19 of the Disciplinary (England) Regulations 2012 ('the Regulations) and paragraphs 4.10 and 4.26 of the Disciplinary Procedures for the regulation of the teaching profession ('the Disciplinary Procedures').

A Teacher has a right to be present at a hearing, but can waive the right to attend.

The Panel's discretion to proceed in the absence of a teacher should be exercised with the utmost care and caution. In exercising that discretion the Committee must have regard to the interests of justice. Fairness to others, including witnesses and the Agency, can also be taken into account. The Panel may take into account the interests of any witnesses and the Agency which seeks to conduct the process expeditiously and within a reasonable time of the date of the alleged events.

The Panel should refer to the guidance provided in the cases of *R v Jones (2002) 2 ALL ER* and *Tait v Royal College of Veterinary Surgeons (2003) UKPC34*.

Should it hear the case in the absence of a teacher, the Panel must ensure that the hearing is as fair as the circumstances permit. It must take reasonable steps both during the giving of evidence and in the summing up to expose weaknesses in the Agency's case and to make such points on behalf of the Teacher as the evidence permits.

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

"We have reviewed the Notice of Proceedings of 20 December 2012 and have heard representations from the Agency. We conclude that the Notice has been served appropriately and in accordance with the Teacher's Disciplinary Regulations and Disciplinary Procedures.

Having heard from the Teaching Agency, we are satisfied that the Notice has been sent to Mr Uddin's last known postal address and we note that he has responded to the Notice.

We have considered very carefully whether to proceed in Mr Uddin's absence today. In this regard, we have considered each guideline set out in the case of *Jones*.

Mr Uddin has responded to the Notice of Proceedings and he has stated clearly that he does not intend to appear before this hearing. He has stated that he does not intend to be represented. He has not made any request for an adjournment or postponement of this hearing.

We have carefully considered the nature of the case, the allegations and the evidence which is available to us. We recognise the responsibility on this Panel to test evidence and to make such points as might appropriately be made on Mr Uddin's behalf. Given these factors we are satisfied that we can ensure that Mr Uddin will receive a fair hearing.

We do not feel that it is necessary to delay consideration of the hearing and therefore we have decided that it is in the public interest to continue with the hearing today."

Any other Preliminary Application

The Presenting Officer applied for an observer to be present throughout the hearing and private deliberations of the Panel. The observer would play no part in any decision made by the Panel; would ensure that the Panel's deliberations would remain private; and would provide feedback to the Panellists for training purposes. The Teacher had recorded an objection in his Response to the Notice of Proceedings.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

There would appear to be no prejudice to the Teacher in an observer being present given that he would play no part in the decision making process and any deliberations would remain confidential. No evidence would be heard by the Panel during its private deliberations. There would appear to be no abuse of process in allowing the observer to remain and no breach of the Rights Act 1998.

The Panel did not allow the observer to remain in the hearing during private sessions on 25 March 2013. The Agency was asked to seek clarification from the Teacher.

Having received no response from the Teacher the Panel, on the morning of the 26 March 2013 and before it commenced its deliberations in private considered an application by the Presenting Officer to revisit its decision.

Having received the same advice as above from the Legal Adviser, the Panel decided that the observer could remain with the Panel for its deliberations on 26 March 2013. It decided that the Teacher had been given a full opportunity to respond to the Agency and had chosen not to do so. The Panel did not believe that there was any prejudice to the Teacher and his right to a fair hearing would not be undermined.

D. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	Pages 2 - 3
Section 2	Notice of Proceedings & Response	Pages 5 - 11
Section 3	Teaching Agency Statements	Pages 13 – 20
Section 4	Teaching Agency Documents	Pages 22 - 103

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 Presenting Officer called Witness A, Head Teacher of Stockland Green School, to give evidence. The Panel took Witness A 's statement, found at pages 13-20 of the bundle, as read.

In answer to questions from the Presenting Officer and, subsequently, the Panel, Witness A gave additional evidence regarding his investigation and his interviews with Students A and B. He also provided additional evidence regarding the Teacher's role at the School and gave his view of the Teacher as a practitioner prior to the allegations being raised.

The Presenting Officer relied upon the evidence of Students A and B. This evidence was presented to the Panel in the form of video recordings of their interviews with the police on 10 November 2009. The Panel watched the video evidence in full.

E. Decision and Reasons

The Panel announced its decision as follows:

"We have 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. We confirm that we have considered all of the evidence which is relevant to the allegations.

Summary

Mr Mohammad Uddin was employed as a Design and Technology Teacher at Stockland Green Technology College, Birmingham from September 2008. In November 2009 concerns were raised by Student A who had left school the previous academic year. She raised concerns about the conduct of Mr Uddin and how he had given her his email address, communicated with her via MSN and had touched her in an inappropriate manner. She also commented that Student B had told her that she had been the subject of inappropriate behaviour by Mr Uddin. As a result of these concerns, Students A and B were interviewed by school staff and subsequently by the police. Student B raised concerns during her interviews that Mr Uddin had called her on her mobile telephone and, whilst she had sat in his car at his invitation, he had rubbed her arm and leg. She stated that within school Mr Uddin had touched her and had hugged her. Mr Uddin was interviewed by Witness A the Associate Head Teacher. Mr Uddin accepted during his interview that he had given Student A his mobile telephone number and that he had touched Student B's leg to comfort her while she had been in his car. It is not alleged that Mr Uddin acted in a manner which was sexually motivated and the police did not prosecute any case against him.

The Panel considered the allegations set out in the Notice of Proceedings dated 20 December 2012.

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

Whilst employed at Stockland Green Technology College, Erdington, Birmingham between 26 September 2008 and 30 September 2010, he;

1. had inappropriate contact with a Year 11 student, Student A, between September 2008 and May 2009, in that he;
 - a. gave her his personal email address;
 - b. communicated with her via 'MSN';
 - c. called her on her mobile telephone;
 - d. told her that he would go to her house during his free periods;
 - e. parked outside her house on at least one occasion;
 - f. detained her in the school corridors without good reason;

- g. touched her in an inappropriate manner;
 - i. on a least one occasion;
 - ii. whilst on the school premises;
- 2. continued to have inappropriate contact with Student A, who was then a former student of the school, between May and November 2009, in that he;
 - a. called her on her mobile telephone;
 - b. told her that he would go to her house during his free periods;
 - c. asked her what her bedroom looked like;
 - d. told her that he wanted to test how strong her bed was;
- 3. had inappropriate contact with Student B, in 2009, in that he;
 - a. called her over to him and asked her to get into his car, where he;
 - i. told her she was "sexy" on at least one occasion;
 - ii. put his hand on top of her hand, which was in her lap;
 - iii. stroked her hand with his own;
 - iv. rubbed her leg; v. rubbed her arm;
 - vi. stroked her face;
 - b. requested her personal email address;
 - c. called her on her mobile;
 - d. touched her in an inappropriate manner during woodwork lessons;
 - e. told her to wait for him in his classroom, then proceeded to pull her into a cupboard, where he;
 - i. told her she was "sexy";
 - ii. hugged her;
 - iii. asked her what she wanted from him;
 - f. detained her in the school corridors, and;
 - i. touched her in an inappropriate manner;
 - ii. caused her to be late for a lesson;

4. gave personal contact details to other students of the school and told them to contact him;
5. failed to follow guidance provided to him as part of safeguarding training in his conduct towards students as set out in 1 – 4.

Findings of fact

We considered all of the relevant documentary evidence presented within the bundle. We also considered all of the relevant evidence presented in the hearing, which included the video recording of the police interviews of Students A and B and the oral evidence of Witness A. Having considered all of the evidence carefully we find each of the factual particulars proven.

Our findings of fact are as follows:

With respect to particulars 1 and 2

We carefully considered all of the evidence relevant to this particular.

The principal direct evidence in relation to the whole of particulars 1 and 2 is that of Student A. Her evidence is presented through the video recording of her interview with the police undertaken on 10 November 2009.

With respect to Student A, we found her to be a credible witness. She is now an adult and is not a student at the school. She was no longer a student when she raised a number of concerns about Mr Uddin's conduct in November 2009. Despite not being a student at the school and despite the formality of her police interview, we note that she was prepared to be interviewed and videoed giving evidence. She has not given evidence before us and we have not been able to ask questions of her. However, having watched the video of the police interview we have been able to make an assessment of her behaviour and have been able to consider the nature, scope and manner of the questions which were put to her. We have been able to compare her interview responses with the record of her interview with the school and as recalled by the Head Teacher, Witness A.

We found Student A to be measured in her approach as well as considered and open in her answers. Her evidence of the events did not appear to be exaggerated and our assessment is that her evidence was truthful.

We carefully considered Student A's evidence and the context of the events which she referred to. She described, in detail, the physical contact and communication which she had with Mr Uddin.

Student A was able to provide detail during her interview which, we have decided, allows us to give significant weight to her evidence and we have been in a position to be able to make an assessment of the credibility and cogency of her evidence. The weight we have given to her evidence generally has informed our approach to the evidence in respect of the other factual particulars about which she can provide relevant evidence.

We carefully considered Mr Uddin's evidence. Mr Uddin has chosen not to attend this hearing and we have not had an opportunity to ask questions of him or to hear from him. There is some detail of his evidence, given the record of meeting of July 2009 during which he was supported by his solicitor and answered questions put by Witness A. Witness A has been able to provide detail for us regarding that interview. We found Mr Uddin's evidence to be less convincing, inconsistent and it did not appear to be open or full. We have not heard from Mr Uddin and he has not presented any witness statement.

Having heard from Witness A and having had the opportunity to ask questions of him, we found Witness A to be a credible, open and fair witness.

With respect to particular 1 a

Student A recalled in her police interview that Mr Uddin had given her his personal email address and that they had communicated via email. This is consistent with the notes of the interview with Witness A and his recollection of her evidence.

We have noted that during his interview with Witness A on 12 July 2010, Mr Uddin admitted that he had given Student A his personal email address. We find this particular proven.

With respect to particular 1 b

Witness A confirmed in his evidence that Mr Uddin had told him on 12 July 2010 that he had had conversations with Student A via MSN.

We considered the evidence of Student A, as presented during her police interview. She stated that she communicated with Mr Uddin via MSN and provided evidence to the police officer about the detail of the communication. During this messaging, they communicated about personal matters and she recalls that Mr Uddin commented upon her boyfriend.

Given our view of the weight to be afforded to the evidence of Student A and the apparent admission made by Mr Uddin to Witness A, we find the facts of this particular proven.

With respect to particular 1 c

We have considered the evidence of Witness A and his interview with Student A in November 2009. During that interview, she explained that Mr Uddin had called her on her mobile telephone and she gave details to Witness A about the conversations.

We considered the evidence of Student A. During her police interview she did not refer to him having her called her on her mobile although she did state that Mr Uddin did send texts to her. We have noted that she was not specifically asked whether Mr Uddin telephoned her rather than send texts but, on the student's evidence, it is clear that he did use her personal mobile telephone number to communicate.

Mr Uddin denied that he had called her and states that he said he would email her rather than telephone.

Having considered the evidence of Witness A and given the nature of Student A's evidence as part of her police interview and school interview we find, on the balance of probabilities, this particular proven.

With respect to particular 1 d

We considered the evidence of Student A, as presented through her police interview. She referred to Mr Uddin suggesting that he would go to her house during his free periods. This suggestion is corroborated by similar evidence which she gave to Witness A during her interview at the school. Mr Uddin denies that he made such a comment.

Having heard the evidence of Witness A and given the weight which we have afforded to Student A's evidence, which is consistently recorded through her interviews, we find on the balance of probabilities, this particular proven.

With respect to particular 1 e

We considered the evidence of Student A, as presented through her police interview. She recalled that Mr Uddin had parked outside her house at a point in May 2009.

Witness A was able to recall Student A's comment to him that she had noticed Mr Uddin's car outside her house. The road outside her house is the same as the one on which Mr Uddin's family has a restaurant. During his interview with Witness A, Mr Uddin confirmed that he knew the road and stated that he had a right to park along it. We note that he does not specifically deny this particular.

Having heard the evidence of Witness A and given the weight which we have afforded it and that of Student A we find, on the balance of probabilities, this particular proven.

With respect to particular 1 f

We considered the evidence of Student A, as presented through her police interview. She stated that Mr Uddin had detained her in the school corridors about matters and subjects which did not involve a discussion about school or school work. We have noted that Mr Uddin was not Student A's teacher. Her evidence is clear that he did detain her as alleged.

We have also considered the evidence of Witness A, who recalled the detail of his conversation with Student A during which she said that Mr Uddin had detained her in the school corridors. On the basis of the evidence presented by Student A and Witness A, we find this particular proven.

With respect to particulars 1 g i and ii

We considered the evidence of Student A, as given during the police interview in relation to particulars g i and g ii. The student recalled that on a number of occasions and whilst at the school, Mr Uddin had touched and stroked her on her

lower back, upper waist and the top of her bottom. He had tried to touch her on another occasion on her chest area, but she walked away.

Student A gave a similar account to Witness A during his interview with her in November 2009 and there is consistency between her accounts.

Having heard the evidence of Witness A and given the weight which we have afforded to Student A's evidence as she has given through her police interview, we find on the balance of probabilities, this particular proven.

We have carefully considered the stem of particular 1 g i and ii which states that his touching of Student A was inappropriate. The student described in her evidence that Mr Uddin's touching of her was "not right" from a teacher. We are satisfied that, on the basis of the evidence, and the facts we have found proven, touching a student in the manner described by Student A was highly personal. Such touching is not appropriate for a teacher to undertake on a student and we are satisfied that it is proven that he touched her in an inappropriate manner.

We considered all of the relevant evidence and the findings of fact which we have made.

Particular 1

We have considered the wording and preamble to particular 1.

We have considered all of the relevant evidence and the findings of fact which we have made. Teachers are in a position of trust and must ensure that they uphold reasonable expectations of appropriate professional boundaries which should exist within a student / teacher relationship. This boundary establishes that teachers should not touch or communicate with students in a manner which could constitute inappropriate contact. Given our findings in respect of the nature of Mr Uddin's touching of and personal communication with Student A whilst she was student at the school, we find it proven that he had inappropriate contact with Student A in relation to each of the subparticulars which we have found proven under particular 1.

For the reasons set out above, we find each element of particular 1 proven.

With respect to particular 2 a

We considered the evidence of Student A, as presented through her police interview. She recalled that Mr Uddin had called her on her mobile telephone several times after she had left the school.

We have considered the notes of the interview with Witness A and we have considered his evidence carefully. We noted her evidence given in the police interview that Mr Uddin had called her on mobile in the week prior to her making her complaint which was at the beginning of November 2009.

During his interview with the school, Mr Uddin is reported to have said that he did have contact with Student A but that no rules had been broken because she had left school by that time. Witness A confirmed the accuracy of the meeting minutes.

We are satisfied on the balance of probabilities that this particular is proven.

With respect to particular 2 b

We considered the evidence of Student A, as presented through her police interview on 10 November 2009. She recalled that Mr Uddin had told her that he would go to her house during his free periods and gave details regarding the content of those conversations.

We considered Witness A's statement and interview with Student A. During that interview she gave details about Mr Uddin's free periods, when they were and information about the conversations which were consistent with the evidence given in her police interview.

We find this particular proven.

With respect to particular 2 c

We considered the evidence of Student A, as given during the police interview. She recalled, in detail, the nature of the discussion during which Mr Uddin had asked her what her bedroom looked like.

Having heard the evidence of Witness A and given the weight which we have afforded to Student A's evidence, her recollection as recorded as part of her police interview and the record of her school interview we find, on the balance of probabilities, this particular proven.

With respect to particular 2 d

We considered the evidence of Student A, as presented through her police interview. She stated that Mr Uddin had told her that he wanted to test how strong her bed was.

Having heard the evidence of Witness A and given the weight which we have afforded to Student A's evidence, her recollection as recorded in her police interview and the record of her school interview we find, on the balance of probabilities, this particular proven.

Particular 2

Given the findings which we have made in respect of particulars 2 a – d, we considered whether Mr Uddin continued to have inappropriate contact with Student A once she had left the school.

As referred to above, teachers are in a position of responsibility and trust and must ensure that they maintain appropriate professional boundaries which should exist within a student / teacher relationship. This boundary continues to exist even after a student has left school and is under the age of 18. Witness A provided evidence to us regarding the expectations at the school in this regard.

Given our findings in respect of the nature of Mr Uddin's personal communication, which became increasingly personal, with Student A just after she had left the school, we find it proven that he continued to have had inappropriate contact with Student A in relation to each of the subparticulars which we have found proven under particular 2.

For the reasons set out above, we find each element of particular 2 proven.

With respect to particular 3

The principal direct evidence in relation to the whole of particular 3 is that of Student B. Her evidence is presented through the video recording of her interview with the police undertaken on 10 November 2009.

We found Student B's evidence to be credible. At the time of her interview she was fifteen years of age and was a student at the school. She had attended the police interview with her mother, but was interviewed alone with a police officer. Despite being a student at the school and despite the formality of her police interview we note that she was prepared to be interviewed and videoed giving evidence. We have noted that she was distressed during the interview, but despite this, she continued to give open answers. She has not given evidence before us and we have not been able to ask questions of her. However, having watched the video of the police interview we have been able to make an assessment of her behaviour and have been able to consider the nature, scope and manner of the questions which were put to her. We have been able to compare her interview responses with the record of her interview with the school and exhibited by the Head Teacher, Witness A.

We found Student B to be a good witness in that she gave open answers and there was no suggestion that she was anything other than truthful. Her evidence of the events did not appear to be exaggerated and, if anything, she tried through embarrassment to avoid giving details of how she said Mr Uddin had touched her. She was concerned about her reputation and about the impact which her evidence might have on her ability to return to school.

We carefully considered Student B's evidence and the context of the events which she referred to. She described, in detail, the physical contact and communication which she had with Mr Uddin.

Student B was able to provide detail during her interview which, we have decided, allows us to give significant weight to her evidence and we have been in a position to be able to make an assessment of the credibility and cogency of her evidence. We have been able to compare the police interview with the evidence presented by Witness A following her interview with him in November 2009. The weight we have given to her evidence generally has informed our approach to the evidence in respect of the other factual particulars about which she can provide relevant evidence.

With respect to particulars 3 a i - vi

We considered the evidence of Student B, as presented through her videoed interview with the police on 10 November 2009. She recalled during the interview that Mr Uddin had called to her whilst she was walking home in July 2009 whilst it was raining and that he had been in his car. He had asked her to get into his car. She had got into the car in the passenger seat. Once she had got in the car they had had a conversation, during which he had said that she was sexy. She recalled that she was shocked by his comment. She explained that when she had been in the car Mr Uddin he had put his hand on top of hers, which was in her lap, and she demonstrated how he had done so.

During the interview she also gave evidence by which she recalled how Mr Uddin had rubbed her leg. She was able to demonstrate how he had done this. She recalled that Mr Uddin had also rubbed her arm and, again, demonstrated what he had done. As well as providing detail about the nature of their conversation, Student B also recalled that Mr Uddin had started to touch her face and stroked it.

Witness A gave evidence regarding how the student had explained the events to him. He also described his interview with Mr Uddin who admitted that the student had been in his car and that he had touched her leg. He demonstrated to Witness A how he done this, and explained that he was trying to comfort Student B.

For the reasons given above, we found the evidence of Student B to be credible, cogent and consistent. On the basis of our consideration of the weight to be given to her evidence we find, on the balance of probabilities, that each of these particulars are proven.

With respect to particular 3 b

We considered the evidence of Student B, as presented through her police interview. She recalled that Mr Uddin had asked her for her personal email address after he had asked her for her mobile telephone number. She recalled that Mr Uddin had given her his personal email address and that they had communicated via email.

Having heard the evidence of Witness A and given the weight which we have afforded to Student B's evidence, her recollection as recorded as part of her police interview and the record of her school interview, we find on the balance of probabilities, this particular proven.

With respect to particular 3 c

We considered the evidence of Student B, as presented through her police interview. She recalled that Mr Uddin had called her on her mobile on a number of occasions – she stated that he had called every day. On a number of occasions, she recalled that he had telephoned her from another teacher's mobile phone. She explained that she had told him to stay away from her and that she became scared to return to school because of Mr Uddin's behaviour. In order to stop his telephone calls she gave evidence that she had broken her SIM card.

We have noted that in his interview with the Witness A, Mr Uddin accepts that he had telephoned Student B. On the basis of the evidence available, we find this particular proven.

With respect to particular 3 d

Student B's evidence was presented through her police interview. She recalled that during her woodwork lessons Mr Uddin touched her on her back, lower back and top of her bottom.

During her interview with Witness A, Student B also recalled how Mr Uddin had touched her. She explained that Mr Uddin would often touch her during woodwork lesson, and described how he had done so. Witness A's explanation of what Student B had told him was consistent with her recollection during the police interview.

We find it proven that Mr Uddin did touch Student B during the woodwork lesson and we also find it proven that such touching was highly inappropriate. We find this particular proven.

With respect to particular 3 e i-iii

We considered the evidence of Student B, as presented through her police interview. During this interview, she provided clear, detailed and cogent evidence relating to the alleged incident. We noted how shaken the student became whilst describing the detail of the incident.

Her evidence was that Mr Uddin pulled her from behind into a store cupboard and that he touched her closely. She explained how Mr Uddin had pulled her into the room, had put his arms around her, hugged her, then put his arms across her front and then touched her waist and moved his arms down her legs. She demonstrated how she had moved her arms and had been holding her school bags. She explained how she was scared and how she felt that she was in a dream. She described how he had spoken with her and asked what she wanted from him.

Witness A gave evidence about her recollection following his interview with her. In her interview with the Head teacher, she stated that Mr Uddin had said that she was sexy. It is a phrase which, we have found proven, Mr Uddin had said to her before. It is likely that he used this phraseology certainly during the events which are the subject of this allegation.

Mr Uddin denied this allegation in its entirety but during his interview with the school, he did accept that he been in the store room because he tried to get Student B to come out of the room

Given the evidence provided by Student B both to the police and as part of the school interview, we find each of these particulars proven.

With respect to particular 3 f i-ii

We considered the evidence of Student B, as presented through the video evidence of her interview with the police on 10 November 2009. She recalled in that interview that Mr Uddin had detained her in the school corridor and touched her

inappropriately in that he had touched her back area and that he had detained her which had led to her being late for a lesson.

She recalled in detail about how Mr Uddin had touched her from behind and this would often happen when she passed his classroom. She referred to Mr Uddin treating her differently from other students and how this had made her feel uncomfortable as a result.

Having heard the evidence of Witness A, and given the weight which we have afforded to Student B's evidence, her recollection as recorded as part of her police interview and the record of her school interview, we find on the balance of probabilities, this particular proven. We are satisfied that the evidence shows that Mr Uddin's touching of Student B has been proven to be inappropriate.

With respect to particular 4

We have carefully considered the evidence of Witness A. During his interview with Mr Uddin, Witness A records that Mr Uddin accepted that he had given his personal contact details, in the form of mobile telephone number and email address, to students at the school. Witness A also provided evidence regarding the interviews undertaken with other members of staff at the school.

On the basis of the evidence presented by Witness A, we find this particular proven.

With respect to particular 5

We carefully considered the evidence of Witness A. He identified and referred to the child protection and safeguarding training which was available at the school and which Mr Uddin had received. Witness A also referred to the school's Child Protection Policy. Given the evidence of Witness A and the findings of fact which we have made in respect of particulars 1-4 we are satisfied, on the balance of probabilities, that Mr Uddin failed to follow guidance which was provided to him.

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

We have carefully considered whether the facts we have found proven amount to unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

We have considered the current Teachers' Standards. We are clear that Teachers must uphold public trust in the profession and maintain the highest standards of ethics and behaviour within and outside school and must have proper and professional regard for the ethos, policies and practice of the school in which they teach.

We are clear that it has been a consistent expectation of the profession and public for teachers to maintain and uphold appropriate professional boundaries and to ensure that they do not contact students inappropriately or touch students inappropriately. Teachers have a responsibility to take reasonable care of students under their supervision with the aim of ensuring their safety and welfare. Mr Uddin's actions

have shown that he has failed to uphold these fundamental expectations.

We have found it proven that Mr Uddin contacted two female students inappropriately, both in terms of his communication with them and in engaging in inappropriate touching.

We are satisfied that Mr Uddin's behaviour has the potential to damage the reputation of the profession. His actions also show a failure to uphold the position of trust which is placed in the teaching profession by parents, colleagues and students. His actions show a failure to maintain the high standards of ethics and behaviour within and outside school, failure to observe proper boundaries appropriate to a teacher's professional position; failure to have regard for the need to safeguard students' well-being and failure to have proper and professional regard for the policies and practices of the school in which he was teaching. By their position and through their behaviour teachers are role models for students - Mr Uddin has shown a clear failure to behave in a manner which fulfils that expectation.

We are satisfied that Mr Uddin's behaviour has fallen significantly and seriously short of the standard of conduct expected of a teacher. His actions have demonstrated a serious lack of professional judgment and his actions had the potential to not only damage his own reputation, the reputation of the school but also the reputation of the profession as a whole. His actions also had the potential to place at least two students, one of whom who has been described in evidence by the Head Teacher as being vulnerable, at risk of harm.

In all of the circumstances, we are satisfied that Mr Uddin's conduct fell significantly short of the standard expected of the profession. In our view his conduct amounts to unacceptable professional conduct and is conduct which has the potential to 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 is necessary for the Panel to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

In making this judgment the Panel had at the forefront of its deliberations whether a Prohibition Order would be a proportionate measure and whether such an Order would be appropriate in the public interest in relation to the allegations that we have found proven.

The Panel had particular and specific reference to the relevant advice in respect of the relevant public interest considerations that should be considered. Having done so the Panel considered that a number of these considerations were relevant, namely, the protection of children, the maintenance of public confidence in the profession as well as declaring and upholding proper standards of conduct.

In light of the Panel's findings against Mr Uddin, which involved serious findings of inappropriate contact with, and inappropriate touching of, two female students, there

is a strong public interest consideration engaged in this case in respect of the need to protect children and ensure that they are appropriately safeguarded.

In considering the expectations of the profession and public we have considered the GTC Code of Conduct (effective from 1 November 2004), the GTCE Code of Conduct (effective from 1 October 2009) and the current Teachers' Standards. Having

considered those codes and standards, we are clear that there has been a consistent expectation within the profession that teachers have a responsibility to ensure that their behaviour should not seriously demean or undermine pupils. Teachers must ensure that they take reasonable care of pupils under their supervision, must observe and build relationships with students based upon mutual respect and must, at all times, observe proper boundaries appropriate to a teacher's professional position. Fundamentally, teachers have a duty to ensure the safeguarding of pupils' welfare and safety.

Mr Uddin failed to uphold these professional responsibilities. His conduct was, in our view, directly harmful to both Student A and B. Student B gave clear evidence of the fear and worry which she felt about returning to school. Such behaviour has the potential to seriously undermine the reputation of the profession and to bring the profession into disrepute.

The Panel considers that public confidence in the profession could be seriously weakened if conduct, such as that found against Mr Uddin, was not treated with utmost seriousness when regulating the conduct of the profession. Also the Panel considered that there is a strong public interest consideration involved in declaring proper standards of conduct in the profession given that Mr Uddin's conduct, as found proven, was outside that which could reasonably be tolerated.

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 might have on Mr Uddin. The Panel carefully considered factors which could be said to mitigate on his behalf, and noted that Mr Uddin was previously a man of good character with no criminal or disciplinary sanctions recorded against him.

In weighing up the competing public interest considerations against those of Mr Uddin, the Panel took further account of the Advice which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours are abuse of position of trust, misconduct seriously affecting the education or well being of students and a serious departure from the personal and professional conduct elements of the teacher standards. In light of the Panel's findings these behaviours are engaged and as such the Panel paid particular attention to these when conducting its balancing exercise.

In light of the Panel's findings it follows that although the teacher had a previously good history, his actions were deliberate and that his behaviour showed a developing pattern. Mr Uddin's behaviour was undertaken across a period of time, with two female students and within and outside of school and his conduct had a direct impact upon both students.

Having considered all of these matters carefully the Panel decided that it would be both appropriate and proportionate to recommend to the Secretary of State that a Prohibition Order be imposed on Mr Uddin with immediate effect.

The Panel went on to consider whether or not it would be appropriate to decide to recommend that a review period of the order should be considered. The Panel are aware that a Prohibition Order applies for life, but that there may be circumstances in any given case which might make it appropriate for a review period to be recommended.

The Panel has found that Mr Uddin has been responsible for contacting and touching two female students inappropriately. His actions show that he failed to uphold proper professional boundaries and his behaviour involved serious and, in our view, harmful misconduct. The evidence of Student B was that her self esteem and confidence was undermined. Her evidence and demeanour in the police interview showed that she had been affected by his behaviour and she had been scared to return to school. We have considered the notes of the interview with Mr Uddin which, on careful review, indicate that Mr Uddin has failed to show insight into his actions and their consequences. We cannot be satisfied that Mr Uddin will not behave in a similar way in the future. Mr Uddin denied any wrongdoing, which was felt by the Panel to indicate a situation in which a review period would not be appropriate. Accordingly, the Panel decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provision for a review period.

Secretary of State's Decision and Reasons

I have given very careful consideration to the details of this case and the panel's recommendations.

The case involves a range of allegations relating to Mr Uddin's failure to observe proper professional boundaries with students and contacting and touching female students inappropriately. The panel found all the allegations proven and that those actions amounted to unacceptable professional conduct.

Mr Uddin's behaviour has involved serious and harmful misconduct and evidence has shown Student B to be affected by his behaviour resulting in her being scared to return to school. In all the circumstances I agree the recommendation that Mr Uddin be prohibited from teaching.

Furthermore Mr Uddin has failed to show insight into his actions and their consequences. Mr Uddin denied any wrongdoing and the panel are not satisfied that he will not behave in a similar way in the future. I therefore agree that the Prohibition Order should be without the provision of a review period.

This means that Mr Mohammad Bashir Uddin 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 Mohammad Bashir Uddin 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 Mohammad Bashir Uddin 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: 26 March 2013