



National College for
Teaching & Leadership

Erum Mahfooz: Professional Conduct Panel outcome

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

November 2014

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

Teacher:	Ms Erum Mahfooz
Teacher ref no:	01/62875
Teacher date of birth:	9 December 1975
NCTL Case ref no:	0011933
Date of Determination:	26 November 2014
Former employer:	Aylesbury College

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26 November 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Erum Mahfooz.

The Panel members were Mr Martin Pilkington (Lay Panellist – in the Chair), Mrs Fiona Tankard (Teacher Panellist) and Mr Tony Woodward (Teacher Panellist).

The Legal Adviser to the Panel was Mr Guy Micklewright of Blake Morgan LLP Solicitors.

The Presenting Officer for the National College was Rachel Cooper of Nabarro Solicitors.

Ms Erum Mahfooz was not present and was not represented.

The meeting took place in private. The decision was announced in public.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 11 November 2014.

It was alleged that:

You are guilty of a conviction, at any time, of a relevant offence in that:

At Aylesbury Crown Court, on 12 February 2014, you were convicted of cause/insight sexual activity with male 13-17, (offender 18 years or over) and abuse of a position of trust on 15 – 21 January 2013 contrary to the Sexual Offenders Act 2003 S.17(1)(e)(i). On 21 March 2014 you were sentenced to four months imprisonment wholly suspended for 24 months, an unpaid work requirement, supervision requirement, a Sex Offenders Notice (for seven years), to pay compensation of £5,000 and a victim surcharge of £80.

C. Preliminary applications

The Panel noted that there appeared to be two typographical errors in the allegation contained in the Notice of Meeting, namely that the word "incite" had been spelt "insight", and the "Sexual Offenders Act 2003" should read "Sexual Offences Act 2003".

The Panel considered whether, exercising its power under Rule 4.56 of the Disciplinary Procedures, it could make these amendments to correct the errors. It was the Panel's determination that it was in the interests of justice to make those amendments so that the wording of the Allegation accurately represented the wording of the offence as set out in the Certificate of Conviction. The Panel considered whether there was the possibility of any prejudice to either party were the amendments to be made in the absence of an opportunity for the parties to make representations and, consequentially, whether it was in the interests of justice for a hearing to be convened to consider any such representations. It determined that as the amendments were merely typographical and the fact of the conviction was not disputed by Ms Mahfooz, there was no possibility of any prejudice to either party and therefore the amendments could be fairly made without the need to hear representations from the parties.

D. Summary of evidence

Documents

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

1. Chronology (page 2)
2. Anonymised pupil list (page 3)

3. Notice of Referral, Response, and Notice of Meeting (pages 5-8b)
4. Statement of Agreed Facts and Presenting Officer Representations (pages 10 to 12d)
5. NCTL Documents (pages 14-97)
6. Teacher Documents (page 99-119)

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

Witnesses

The Panel heard no oral evidence as the case proceeded by way of a Meeting.

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.

On 12 February 2014 Ms Mahfooz was convicted of one count of causing or inciting sexual activity with a male aged between 13 and 17 while in a position of trust, contrary to section 17(1)(e)(i) of the Sexual Offences Act 2003. She was convicted at Aylesbury Crown Court after having pleaded not guilty.

Ms Mahfooz was at the material time a sociology lecturer at Aylesbury College. The conviction related to text messages and other electronic communications sent by Ms Mahfooz to a 17 year old student, Pupil A, in early 2013. Ms Mahfooz taught Pupil A sociology. During that time Ms Mahfooz sent, anonymously, a number of sexually explicit messages. During the course of those messages she sent Pupil A a number of sexually explicit images, at least one of which she accepts was a picture of her bottom. In due course Ms Mahfooz revealed that she had been sending Pupil A the messages, and asked him to delete the text messages.

On 5 February 2013 the mother of another student at the College informed the College that Pupil A had been receiving sexually explicit messages from Ms Mahfooz. The HR Deputy Director informed the Local Authority Designated Officer, who in turn informed the police. In due course Ms Mahfooz was arrested and interviewed by the police under caution.

Findings of Fact

Our findings of fact are as follows:

We have found the following particular of the allegation against you proven, for these reasons:

At Aylesbury Crown Court, on 12 February 2014, you were convicted of cause/incite sexual activity with male 13-17, (offender 18 years or over) and abuse of a position of trust on 15 – 21 January 2013 contrary to the Sexual Offences Act 2003 S.17(1)(e)(i). On 21 March 2014 you were sentenced to four months imprisonment wholly suspended for 24 months, an unpaid work requirement, supervision requirement, a Sex Offenders Notice (for seven years), to pay compensation of £5,000 and a victim surcharge of £80.

Panel's findings and reasons in relation to this particular.

We have found the allegation against you proven, for these reasons:

The Panel considered that the fact of the conviction was proved. It considered that the conviction was adequately evidenced by the signed Certificate of Conviction from Aylesbury Crown Court. Furthermore, it noted that in the Agreed Statement of Facts, signed by Ms Mahfooz on 2 October 2014, she did not dispute the fact of the conviction.

Findings as to conviction of a relevant offence

The Panel considered that this conviction amounts to a relevant offence. The offence for which Ms Mahfooz was convicted was a very serious one: it resulted in a custodial sentence (albeit suspended for 24 months), and an order for entry on the Sex Offenders Register for seven years. The offence involved a student who was in Ms Mahfooz's care.

The Panel concluded that this offence showed that the teacher was not demonstrating the consistently high standards of personal and professional conduct expected of a teacher. Teachers are expected to maintain high standards of ethics and behaviour both within and outside school. This behaviour fell seriously short of those standards.

Panel's recommendation to the Secretary of State

The Panel went on to consider the issue of prohibition. The Panel has considered the 'Teacher misconduct: the prohibition of teachers' guidance dated July 2014.

The Panel carefully considered the mitigation put forward by the teacher in her representations, including her request that the Panel consider allowing her to be permitted to teach again once she has come off the Sex Offenders Register in seven

years' time. Whilst the Panel is sympathetic to the effect a Prohibition Order would have on her life and her ability to earn a living, it is nevertheless of the view that the circumstances of the offence are such that a Prohibition Order is appropriate and proportionate.

We accept the Presenting Officer's submission that Ms Mahfooz's actions amount to a serious departure from the Teachers' Standards. Weighing the public interest considerations against the interests of the teacher it is appropriate that a Prohibition Order is imposed to protect pupils, maintain public confidence in the teaching profession and to uphold proper standards of conduct.

Despite her apparent acceptance that her actions were inappropriate and unacceptable, the Panel is concerned that Ms Mahfooz does not have any real insight into the nature of her actions. The Panel is of the view that Ms Mahfooz is seeking to minimise the seriousness of her actions. She still does not consider herself to be guilty of any criminal offence and states that there has been a miscarriage of justice, on the basis that she never had any intention of meeting with Pupil A outside school or engaging in any sexual activity with Pupil A. At times she seeks to apportion blame to what she perceives as a lack of management support at work. In addition she appears to consider that her behaviour was provoked by Pupil A's actions. She does not seem to appreciate the impact which her actions have had on Pupil A, as stated in the Judge's sentencing remarks.

The Panel recommends to the Secretary of State that a Prohibition Order be imposed.

The Panel went on to consider whether it is appropriate and proportionate to allow Ms Mahfooz to be permitted to apply for the Prohibition Order to be set aside after a specific period of time.

It is the Panel's view that the nature of the offence committed by Ms Mahfooz is such that her conduct departed so far from the standards of behaviour expected of teachers, who act as role models for pupils, that the Panel does not feel that it is appropriate to allow Ms Mahfooz a future opportunity to apply for this Prohibition Order to be set aside. The Panel notes that the guidance makes it clear that the 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, among other matters, the case is one of serious sexual misconduct. The Panel considers that this offence is a clear example of serious sexual misconduct. Ms Mahfooz has taken advantage of her professional position and there is evidence that her actions have resulted in actual harm to Pupil A.

For these reasons the Panel considers that, weighing up the public interest factors against the interests of the teacher, the appropriate and proportionate recommendation is that the Secretary of State impose a Prohibition Order with no provision for Ms Mahfooz to apply for it to be set aside.

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 both in respect of sanction and review.

This case is a very serious case which resulted in a conviction. The teacher was also placed on the Sex Offenders Register for a period of seven years.

The panel has found the conviction to be a relevant one. The conviction is for behaviours which fall significantly short of those expected from a teacher.

I have given careful consideration to the guidance published by the Secretary of State. I have also given careful consideration to the interests of the teacher and the public interest. In my view the offence is a serious one and one which involved sexual misconduct. I support the recommendation of the Panel that a prohibition order in this case is proportionate and in the public interest.

I have also given careful consideration to the matter of a review period. I have noted that the teacher has asked that consideration be given to allowing her to teach once she has had her name removed from the Sex Offenders Register.

I have given careful consideration to the guidance published by the Secretary of State and to the considerations set out by the panel concerning the insight shown by the teacher in this case. Having taken into account all of that and the need to be proportionate and take into account the public interest I support the recommendation of the panel that there should be no review period.

This means that Ms Erum Mahfooz 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 her, I have decided that Ms Erum Mahfooz 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 Erum Mahfooz 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

A handwritten signature in black ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

Date: 28 November 2014

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