



Teaching
Regulation
Agency

Dr Rosemin Najmudin: Professional conduct panel outcome

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

28 June 2022

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

Teacher:	Dr Rosemin Najmudin
Teacher ref number:	9052650
Teacher date of birth:	15 April 1965
TRA reference:	18997
Date of determination:	28 June 2022
Former employer:	Harris Academy South Norwood, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 and 28 June 2022 by video conference, to consider the case of Dr Rosemin Najmudin.

The panel members were Mrs Kelly Thomas (lay panellist – in the chair), Mr Clive Sentance (teacher panellist) and Ms Nicola Hartley (lay panellist).

The legal adviser to the panel was Mr Sam Bumby of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Mr Michael O’Donohoe of Browne Jacobson LLP.

Dr Rosemin Najmudin was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 6 April 2022.

It was alleged that Dr Rosemin Najmudin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Harris Academy South Norwood in London between April 2017 and August 2018:

1. On or around 20 July 2018, in respect of the OCR Level 3 Cambridge Technical Extended Certificate in Health & Social Care, Dr Najmudin;
 - a. provided improper assistance to Student B by causing and/or permitting Student B to obtain a copy of Student A's work;
 - b. failed to keep student work secure by sending student work to her own personal email address.
2. Dr Najmudin provided false and/or misleading information to the school, specifically by on or around 16 July 2018 recording Student H as present for morning registration when in fact Student H was not present for morning registration and/or was not in the school's premises.
3. Dr Najmudin's conduct as may be found proven at;
 - a. at 1 and/or 2 above lacked integrity and/or was dishonest;
 - b. at 1 above led to a malpractice finding by OCR who barred her from involvement in OCR examinations for 3 years.¹
4. Dr Najmudin engaged in inappropriate contact by email with one or more students, including by:
 - a. in July 2018, addressing students as 'babes' and/or 'hun' and/or 'darl' and/or 'darling';
 - b. on 6 July 2018, stating to Student C and/or Student D "Do you guys want to come home as mum is with me, I fly to India 24th July";
 - c. on 9 July 2018, stating to Student C "[Student D] said she and you want to come and see me, but I am so fed up with this school.... Meet outside, my mum is here so come home? Talk with the others, welcome at mine when you are free. I am home Wednesday?";

¹ As noted under the 'Preliminary Applications' header below, the Presenting Officer made an application to remove this allegation at the beginning of the hearing which the panel consented to.

- d. on 12 July 2018, stating to Student E "ignore her, she is a stupid woman. X -have a great day and see you Monday, if she calls again, get your parents to complain about her !!!!";
- e. on 13 July 2018, stating to Student F "Have they told you to come in, PLEASE ignore and go to work experience. I am furious they have done this and I am telling everyone NOT to come in as we have NEXT week. I swear this school is made of idiots!";
- f. on 13 July 2018, stating to Student F "They are a bunch of..... always contact me and get your mum to email a complaint that teachers are lying and the effort you went to get work experience and I had told you to do the coursework and email it to me. How dreadful and the lies. I am so cross with my idiotic department";
- g. on 16 July 2018, stating to Student H "My goodness talk about as cute as her aunty! Enjoy. No one seems to be doing anything, enjoy the day with her";
- h. on 15 July 2018, encouraging students to make a complaint via their parents;
- i. on 19 July 2018, stating to Student J "Its all about putting me down and in my pace [sic], but I am leaving anyway. Idiotas!!!! As they say in Spanish!!!!";
- j. in July 2018, using 'X's' to indicate kisses within emails to Student C and/or Student D and/or Student E and/or Student Hand/or Student I and/or Student J and/or Student K;
- k. in July 2018, providing one or more students with her personal email address and/or mobile number.

Dr Najmudin has been convicted, at any time, of a relevant offence, in that;

- 5. On or around 17 October 2012, she was convicted at the Southwark Crown Court for doing an act tending and intended to pervert the course of public justice, for which she was sentenced on 27 February 2013 to 9 months imprisonment.

In the absence of and non-response from Dr Najmudin, the allegations are not admitted and there was no admission of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Dr Najmudin. The panel first determined that the service requirements contained in paragraphs 19(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012 and the notice requirements contained in paragraphs 4.11 and 4.12 of the "Teacher Misconduct – Disciplinary Procedures for the Teaching Profession" (version dated April

2018) had been complied with by the TRA. The panel then exercised their discretion in accordance with the relevant case law and determined that the public interest in proceeding with the hearing outweighed the risk of unfairness to Dr Najmudin. The panel accordingly granted the application and the hearing proceeded in Dr Najmudin's absence.

The panel considered a further application from the presenting officer to discontinue allegation 3(b) on the grounds that there was no evidence to support it in the bundle. The panel determined that it was in the interests of justice to discontinue allegation 3(b) and that there would be no risk of prejudice to Dr Najmudin in doing so.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 8 to 9

Section 2: Notice of proceedings and response – pages 11 to 22

Section 3: Teaching Regulation Agency witness statements – pages 25 to 822

Section 4: Teaching Regulation Agency documents – pages 825 to 1087

Section 5: Teacher documents – none provided.

The panel also received a bundle of documents in support of the application to proceed in the absence of Dr Najmudin.

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing and also the application bundle.

Witnesses

The panel heard oral evidence from Witness A.

The panel also heard oral evidence from Witness B.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision. The panel was mindful of the fact that Dr Najmudin was not present or represented and took great care in interrogating the allegations and the evidence before it.

Dr Najmudin had been employed at Harris Academy South Norwood since 1 April 2017 as a teacher of Health and Social Care. On 20 July 2018, the Academy were made aware that Dr Najmudin had sent an email to pupils encouraging them to complain to the Academy via their parents. The Academy accessed Dr Najmudin's school email account to determine whether there were further emails of which they should be aware. Further emails to pupils' personal email addresses were identified including an email in which Dr Najmudin had sent copies of one student's work to another student. Further emails were sent to Dr Najmudin's personal email account attaching copies of students' work. Dr Najmudin ceased working at the Academy on 31 August 2018.

On 8 October 2018, the Academy completed a JCQ suspected malpractice form and provided it to OCR. OCR interviewed Dr Najmudin and on 11 July 2019 held a Malpractice Committee Meeting to discuss her case.

On 17 October 2012, Dr Najmudin was convicted in Southwark Crown Court of doing an act tending and intended to prevent the course of public justice and was sentenced to 9 months imprisonment on 27 February 2013.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Harris Academy South Norwood in London between April 2017 and August 2018:

- 1. On or around 20 July 2018, in respect of the OCR Level 3 Cambridge Technical Extended Certificate in Health & Social Care, you;**
 - a. provided improper assistance to Student B by causing and/or permitting Student B to obtain a copy of Student A's work;**

The panel first considered allegation 1(a).

Based on the documentation in the bundle, the panel determined that an email was sent from Dr Najmudin's school email account to Student B's personal email account, attaching copies of work prepared by Student A in respect of the OCR Level 3 Cambridge Technical Extended Certificate in Health & Social Care.

Dr Najmudin was not present at the hearing and did not make any representations on this point. However, the panel considered the note of her interview with OCR in which she claims that she did not send the emails complained of and that someone at the Academy had accessed her email account and sent those emails maliciously due to complaints which Dr Najmudin had made about the conduct of others at the Academy.

The panel heard oral evidence from Witness A and Witness B on the issue of IT security at the Academy (and across the Harris Federation). Both the Witness A and Witness B explained that the process for accessing the email account of a member of staff included obtaining permission from the Harris Federation's Human Resources department. Once that permission was obtained, the matter would be referred to the Head of IT for the Harris Federation who would authorise the granting of access.

Access would only be granted if there was a need to investigate the conduct of a member of staff. In this case, after the discovery of the email from Dr Najmudin to pupils encouraging their parents to complain (see allegation 4(h) below), Witness A and Witness B followed the above process and were granted access to Dr Najmudin's emails which resulted in them identifying the emails referred to in allegations 1, 2 and 4.

The Witness A explained that the Academy's staff were given training on the appropriate use of IT and were instructed not to share their login details with anyone. Her evidence was that if Dr Najmudin is alleging that her email account was used by another person, then Dr Najmudin would be admitting to negligent behaviour in either sharing her account details or leaving her computer unattended.

The panel also considered a statement in the bundle from Student B, a Year 12 student at the time of the email. Student B's account is that on results day she decided to drop Chemistry and enrol in the Health & Social Care course. Student B went to speak to Dr Najmudin as she was Student B's form tutor. Student B asked Dr Najmudin what she needed to do to catch up over the summer holidays and Dr Najmudin said that she would send Student B "help" over email. Student B subsequently opened the email complained of and "*realise[d] that she [had] sent me others [sic] students work*".

The panel therefore concluded, on the balance of probabilities, that Dr Najmudin had sent the email complained of, causing and permitting Student B to obtain a copy of Student A's work.

The panel then considered whether sending the work constituted improper assistance to Student B.

The Witness A's evidence was that the only situation in which sharing another student's work was acceptable is where the Academy obtain either (a) marked model answers from the examination board; or (b) purchase previous papers from the exam board, in which case teachers can share anonymised pieces of work in a classroom setting. In this case, the Witness A's evidence was that this work was not a model answer because it was live work from another student. She explained that there was a risk of plagiarism (although the panel noted that no plagiarism is alleged to have taken place) and it risked the awarding of results to both Student A and Student B. The Witness B explained that as Student A had not yet completed the whole qualification there was a possibility that Student A may have chosen to re-submit that particular piece of work.

The panel also considered the note of the OCR interview of Dr Najmudin in which she denied sending the email and claimed that it must have been sent by another member of staff. The panel concluded that the interview gave Dr Najmudin the opportunity to explain her conduct and that in denying the conduct an inference could be drawn that Dr Najmudin knew that sending Student B work which belonged to Student A was improper.

The panel therefore concluded, on the balance of probabilities, that Dr Najmudin had provided improper assistance to Student B by sending them Student A's work.

For the avoidance of doubt, whilst the panel were provided with information regarding the outcome of an OCR Malpractice Committee Meeting in respect of the conduct complained of in allegations 1(a) and (b), in its determinations the panel did not take into account any of the Malpractice Committee's findings.

On balance the panel therefore found the facts proven in relation to allegation 1(a).

b. failed to keep student work secure by sending student work to your own personal email address.

The panel then considered allegation 1(b). Based on the documentation in the bundle, the panel determined that emails were sent from Dr Najmudin's school email account to her personal email account on three occasions on 20 July 2018. In her interview with OCR, Dr Najmudin denied sending students' work to her personal email address. However, for the reasons outlined above, the panel concluded that on balance she had sent the emails complained of.

The panel then considered whether the act of sending the students' work to her personal email address meant that Dr Najmudin had failed to keep student work secure.

In their evidence, Witness B explained to the panel that Dr Najmudin had a work email address which she used for any business related to work and that student work was kept within a Shared Drive which staff had access to. The Witness B told the panel that there was strict guidance from the examination boards on emailing student work unnecessarily.

The panel determined that, on the balance of probabilities, Dr Najmudin had failed to keep student work secure because sending it to her personal email address meant that it was outside of the school IT system. The Academy therefore had no visibility or control over what happened to it. The panel concluded that Dr Najmudin had no reason to email the documents to her personal email account given they did not belong to her and she was not authorised to do so.

On balance the panel therefore found the facts proven in relation to allegation 1(b).

2. You provided false and/or misleading information to the school, specifically by on or around 16 July 2018 recording Student H as present for morning registration when in fact Student H was not present for morning registration and/or was not in the school's premises.

The panel then considered allegation 2.

Based on the documentation in the bundle, the panel determined that Student H emailed Dr Najmudin's school email address at 7.43am on 16 July 2018 to ask that Dr Najmudin mark them as present for registration. The reason that Student H gave for not being present at school was that they had an interview and their sister had just given birth. Dr Najmudin responded at 8.18am to say "*OMG, wonderful, girl or boy and of course. So happy for you x*". For the reasons outlined above, the panel concluded on balance that Dr Najmudin had sent this email.

The panel further considered a screenshot of Student H's attendance record for the week commencing Monday 16 July 2018 which was produced by the Harris Foundation. The attendance record demonstrates that Student H had been marked as present for morning registration on Monday 16 July 2018 and that Dr Najmudin was Student H's form tutor.

On the balance of probabilities, the panel determined that Dr Najmudin had marked Student H as present for morning registration when in fact Student H was not present and was not in the Academy's premises. As such Dr Najmudin had provided false and misleading information to the Academy about the whereabouts of Student H on the morning of 16 July 2018.

On balance the panel therefore found the facts proven in relation to allegation 2.

3. Your conduct as may be found proven at;

a. at 1 and/or 2 above lacked integrity and/or was dishonest;

The panel then considered allegation 3(a), noting that allegation 3(b) had been deleted further to the Presenting Officer's application.

The panel first considered whether the conduct found proved in allegation 1 lacked integrity. The panel considered whether Dr Najmudin had been acting in good faith in (a) sending Student A's work to Student B and/or (b) sending the students' work to her personal email address. However, in light of the fact that she denied sending the emails in her interview with OCR, the panel concluded that on the balance of probabilities Dr Najmudin knew that she should not have sent the emails and was therefore not adhering to the ethical standards of the teaching profession.

The panel then considered whether the conduct found proved in allegation 1 was dishonest. On the balance of probabilities, the panel concluded that Dr Najmudin was aware that she was sending Student A's work to Student B. The panel considered this conduct was dishonest by objective standards because it involved sending material to Student B which should not have been provided to them, providing them with improper assistance. The panel also concluded on the balance of probabilities that Dr Najmudin was aware that she was emailing student work to her personal email address. The panel considered this conduct was dishonest by objective standards because it involved sending material which did not belong to her to a personal email address.

The panel then considered whether the conduct found proven in allegation 2 lacked integrity. On the balance of probabilities, the panel concluded that Dr Najmudin should not have marked an absent pupil present and that doing so demonstrated a lack of compliance with the ethical standards of the teaching profession.

Finally, the panel considered whether the conduct found proven in allegation 2 was dishonest. On the balance of probabilities, the panel concluded that Dr Najmudin had marked Student H as present knowing that she was not, and that this conduct was dishonest because it involved entering false information into the Academy's registration system.

On balance the panel therefore found the facts proven in relation to allegation 3(a).

4. You engaged in inappropriate contact by email with one or more students, including by:

The panel then considered allegation 4. Before considering the content of the individual emails in (a) to (k), the panel first considered the appropriateness of communicating with students on their personal email addresses. The panel inferred from the bundle that all of the emails complained of in allegation 4 were sent to or from the personal email addresses of students or former students at the Academy.

Witness A gave evidence that staff at the Academy were told not to contact students on their personal email addresses and this applied even more so for staff who taught sixth form students. This was because the sixth form students used their personal email addresses for their UCAS applications and as such there was an increased risk that students would contact staff in this manner. If a student emailed a member of staff from their personal email account, the staff member was instructed to respond and ask them to send an email using their school email account instead.

The panel considered the position carefully and concluded that email exchanges with pupils' and former pupils' personal email addresses constituted inappropriate contact with them. The panel then went on to consider the individual allegations in 4(a) to (k).

a. in July 2018, addressing students as 'babes' and/or 'hun' and/or 'darl' and/or 'darling';

The panel considered the evidence in the bundle and determined that Dr Najmudin addressed student(s) as:

- 'Babes' in an email dated 4 July 2018;
- 'Darl' in emails dated 4 July and 19 July 2018;
- 'Hun' in an email dated 5 July 2018; and
- 'Darling' in an email dated 17 July 2018.

In addition to the fact that the email was sent to pupils' personal email addresses, the panel was satisfied that this conduct was inappropriate because it displayed a degree of informality that was concerning and not acceptable. The panel were concerned that, whilst there was no evidence or suggestion of sexual motivation on the part of Dr Najmudin, the use of sexualised language in the emails may teach the students that this was an appropriate way for a teacher to engage with a pupil and may therefore place them at a higher risk of exploitation in the future.

On balance the panel therefore found the facts proven in relation to allegation 4(a).

b. on 6 July 2018, stating to Student C and/or Student D "Do you guys want to come home as mum is with me, I fly to India 24th July";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student D (copied to Student C) on 6 July 2018 which contained the language set out in the allegation.

The panel noted that Student C and Student D were ex-pupils of the Academy at the time of the email and that the panel had not been provided with a copy of the Academy's safeguarding or IT policies in the bundle. However, on the balance of probabilities, the panel was satisfied that Dr Najmudin inviting former pupils to come to her home was inappropriate and was part of a worrying pattern of behaviour.

On balance the panel therefore found the facts proven in relation to allegation 4(b).

c. on 9 July 2018, stating to Student C "[Student D] said she and you want to come and see me, but I am so fed up with this school... Meet outside, my mum is here so come home? Talk with the others, welcome at mine when you are free. I am home Wednesday?";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student C on 9 July 2018 which contained the language set out in the allegation.

The panel noted that Student C and Student D were ex-pupils of the Academy at the time of the email and that the panel had not been provided with a copy of the Academy's safeguarding or IT policies in the bundle. However, on the balance of probabilities, the panel was satisfied that Dr Najmudin inviting former pupils to her home was inappropriate and part of a worrying pattern of behaviour.

On balance the panel therefore found the facts proven in relation to allegation 4(c).

d. on 12 July 2018, stating to Student E "ignore her, she is a stupid woman. X - have a great day and see you Monday, if she calls again, get your parents to complain about her !!!!";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student E on 13 July 2018 (not 12 July 2018) which contained the language set out in the allegation.

In addition to the fact that the email was sent to a pupil's personal email address, the panel was satisfied that this conduct was inappropriate because it undermined the student's faith in the education system and other teachers at the Academy, including by encouraging parents to submit complaints to the Academy. The panel also considered that the use of an 'x' to denote a kiss was sexualised language which was entirely inappropriate.

On balance the panel therefore found the facts proven in relation to allegation 4(d).

e. on 13 July 2018, stating to Student F "Have they told you to come in, PLEASE ignore and go to work experience. I am furious they have done this and I am telling everyone NOT to come in as we have NEXT week. I swear this school is made of idiots!";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student F on 13 July 2018 which contained the language set out in the allegation.

In addition to the fact that the email was sent to a pupil's personal email address, the panel was satisfied that this conduct was inappropriate because it undermined the student's faith in the education system and other teachers at the Academy.

On balance the panel therefore found the facts proven in relation to allegation 4(e).

f. on 13 July 2018, stating to Student F "They are a bunch of..... always contact me and get your mum to email a complaint that teachers are lying and the effort you went to get work experience and I had told you to do the coursework and email it to me. How dreadful and the lies. I am so cross with my idiotic department";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student F on 13 July 2018 which contained the language set out in the allegation.

In addition to the fact that the email was sent to a pupil's personal email address, the panel was satisfied that this conduct was inappropriate because it undermined the student's faith in the education system and other teachers at the Academy.

On balance the panel therefore found the facts proven in relation to allegation 4(f).

g. on 16 July 2018, stating to Student H "My goodness talk about as cute as her aunty! Enjoy. No one seems to be doing anything, enjoy the day with her";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student H on 16 July 2018 which contained the language set out in the allegation.

In addition to the fact that the email was sent to a pupil's personal email address, the panel was satisfied that this conduct was inappropriate because of the inference that Student H was "cute". The panel considered that this was inappropriate sexualised language.

On balance the panel therefore found the facts proven in relation to allegation 4(g).

h. on 15 July 2018, encouraging students to make a complaint via their parents;

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to more than one student on 15 July 2018 encouraging them to make a complaint about the Academy via their parents.

In addition to the fact that the email was sent to pupils' personal email addresses, the panel was satisfied that this conduct was inappropriate because it undermined the student's faith in the education system and other teachers at the Academy. The panel were concerned that Dr Najmudin attempted to disguise her involvement by requesting that the students take her name off the complaint email before sending it.

On balance the panel therefore found the facts proven in relation to allegation 4(h).

i. on 19 July 2018, stating to Student J "Its all about putting me down and in my pace [sic], but I am leaving anyway. Idiotas!!!! As they say in Spanish!!!!";

The panel considered the evidence in the bundle and determined that Dr Najmudin sent an email to Student J on 19 July 2018 which contained the language set out in the allegation.

In addition to the fact that the email was sent to pupils' personal email addresses, the panel was satisfied that this conduct was inappropriate because it undermined the student's faith in the education system and other teachers at the Academy.

On balance the panel therefore found the facts proven in relation to allegation 4(i).

j. in July 2018, using 'X's' to indicate kisses within emails to Student C and/or Student D and/or Student E and/or Student H and/or Student I and/or Student J and/or Student K;

The panel considered the evidence in the bundle and determined that Dr Najmudin sent emails which used 'X's' to indicate kisses to:

- Student C on 9 July 2018;
- Student D on 4 July 2018;

- Student E on 13 July 2018;
- Student H on 16 July 2018;
- Student I on 19 July 2018;
- Student J on 19 July 2018; and
- Student K on 19 July 2018.

In addition to the fact that these emails were sent to pupils' personal email addresses, the panel was satisfied that this conduct was inappropriate because it involved the use of sexualised language. The panel were concerned that, whilst there was no evidence or suggestion of sexual motivation on the part of Dr Najmudin, the use of sexualised language in the emails may teach the students that this was an appropriate way for a teacher to engage with a pupil and may therefore place them at a higher risk of exploitation in the future.

On balance the panel therefore found the facts proven in relation to allegation 4(j).

k. in July 2018, providing one or more students with your personal email address and/or mobile number.

The panel considered the evidence in the bundle and determined that Dr Najmudin sent emails which contained her personal email address and mobile number to Student B and Student J (separately) on 19 July 2018.

In addition to the fact that these emails were sent to pupils' personal email addresses, the panel was satisfied that this conduct was inappropriate because it posed a significant safeguarding risk because communications between Dr Najmudin and the students in question would not be recorded on the Academy's IT system. The panel were particularly concerned with the subject line of one of the emails which was 'Keep private', indicating that Dr Najmudin did not want anyone else to know that there was a private channel of communication between her and a student.

On balance the panel therefore found the facts proven in relation to allegation 4(k).

You have been convicted, at any time, of a relevant offence, in that;

5. On or around 17 October 2012, you were convicted at the Southwark Crown Court for doing an act tending and intended to pervert the course of public justice, for which you were sentenced on 27 February 2013 to 9 months imprisonment.

The panel then considered allegation 5. The panel considered the Certificate of Conviction contained in the bundle, which records that Dr Najmudin was convicted of doing an act tending and intended to pervert the course of public justice on 17 October 2012 in Southwark Crown Court. The Certificate also records that Dr Najmudin was sentenced to 9 months imprisonment on 27 February 2013.

On balance the panel therefore found the facts proven in relation to allegation 5.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute/ and or conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

Unacceptable professional conduct

The panel was satisfied that the conduct of Dr Najmudin, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Dr Najmudin was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and 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
- showing tolerance of and respect for the rights of others
- ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

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

The panel was satisfied that the conduct of Dr Najmudin fell significantly short of the standard of behaviour expected of a teacher. In particular, the panel noted Dr Najmudin’s complete disregard for upholding professional standards including through her methods of communication, the content of those communications (which included undermining other teachers by describing them in a derogatory manner and also emailing copies of

students' work when she was not authorised to do so) and marking a student present when they were absent.

The panel also considered whether Dr Najmudin's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of fraud or serious dishonesty was relevant. In particular, Dr Najmudin had fraudulently and dishonestly marked a student as present when they were in fact absent. She had also acted dishonestly in sending Student A's work to Student B and in sending students' work to her personal email address.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that some of the allegations took place outside the education setting, in that the conduct complained of took the form of emails sent by Dr Najmudin rather than her actions in the classroom. However, the panel was satisfied that in sending the emails from her work email address, Dr Najmudin was acting in her capacity as the pupils' teacher and her conduct clearly affected the way that she fulfilled her teaching role.

Accordingly, the panel was satisfied that Dr Najmudin was guilty of unacceptable professional conduct.

Disrepute

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether Dr Najmudin's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of fraud or serious dishonesty was relevant for the reasons outlined above.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that Dr Najmudin's conduct could potentially damage the public's perception of a teacher. This was particularly the case given that some of the emails sent

to students encouraged them to complain via their parents, and therefore it was likely that parents would see the emails which Dr Najmudin had been sending to the students which were wholly inappropriate.

The panel therefore found that Dr Najmudin's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of the particulars of the allegations proved, the panel further found that Dr Najmudin's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Conviction

The panel was satisfied that the conduct of Dr Najmudin, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Dr Najmudin was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- showing tolerance of and respect for the rights of others

The panel noted that the individual's actions were relevant to teaching, working with children and/or working in an education setting. Whilst the offence did not relate to Dr Najmudin's conduct whilst working as a teacher, it was nevertheless relevant to her professional role because the conviction for doing an act tending and intended to pervert the course of public justice demonstrated a blatant disregard for honesty and for due process, both of which are integral in the teaching profession.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils. For example, there are circumstances in which a teacher may have to give evidence on serious issues relating to child protection. The panel considered that this conviction demonstrates that Dr Najmudin considers it acceptable to provide false information to a Court and the panel were concerned that Dr Najmudin may repeat this behaviour, particularly in light of the facts found proven in respect of allegations 1 to 4.

[Redacted]

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Dr Najmudin's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Dr Najmudin was allowed to continue teaching.

The panel noted that Dr Najmudin's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving fraud or serious dishonesty. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Having found the facts of the particulars of the allegations proved, the panel found that Dr Najmudin's conduct amounted to a conviction, at any time, of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence, 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Dr Najmudin and whether a prohibition order is necessary and proportionate. 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Dr Najmudin, which included:

- the unauthorised sending of pupils' work both to other pupils and her own personal email account;
- knowingly marking a student as present when they were in fact absent;
- engaging in inappropriate email contact with students including the use of sexualised language (although the panel noted that there was no evidence of sexual motive) and undermining her colleagues to pupils using derogatory language; and

- her conviction for doing an act tending and intended to pervert the course of public justice,

there was a strong public interest in prohibiting Dr Najmudin from the teaching profession.

In particular, the panel decided that there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings outlined above. The panel were particularly concerned that, whilst there was no evidence of sexual motivation, the use of sexualised language may teach the students that this was an appropriate way for a teacher to engage with a student and may therefore place them at a higher risk of exploitation in the future.

The panel also took the view that knowingly marking a student present who was actually absent was a serious safeguarding issue, as it is conceivable that something could have happened to the student and it would not have been discovered until much later in the day because the student's family assumed that the student was at school.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Najmudin were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Dr Najmudin was outside that which could reasonably be tolerated.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence;
- misconduct seriously affecting the education and/or safeguarding and wellbeing of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);

- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)
- deliberate behaviour that undermines the profession, the school or colleagues;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; and
 - encouraging others to break rules,
- knowingly manipulating a school's attendance or admission registers.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

The panel noted that Dr Najmudin was not present or represented at the hearing and had not submitted any mitigating factors in her defence which explained her behaviour. On the basis of the evidence in the bundle, there was no evidence to suggest that Dr Najmudin was acting under extreme duress, and, in fact, the panel found Dr Najmudin's actions to be calculated and motivated.

There was also no evidence that Dr Najmudin demonstrated exceptionally high standards in her personal and professional conduct or that she has contributed significantly to the education sector. On the contrary, the panel heard oral evidence from Witness A that Dr Najmudin's day-to-day management such as meeting deadlines, marking work and providing feedback were not up to the standard expected of teachers.

The panel further noted that there was no evidence that Dr Najmudin had demonstrated any level of insight or remorse for her actions.

Proportionality

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Dr Najmudin of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Dr Najmudin. The repeated incidents of dishonesty and the lack of any evidence of her remorse were significant factors in forming that opinion. 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 a review period of the order. The panel was mindful that the Advice states 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 Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel found that this conduct was not present in this case.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes fraud or serious dishonesty. The panel found that Dr Najmudin demonstrated both fraud and serious dishonesty in a number of cases (including her conviction and knowingly marking a student present when they were in fact absent).

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

The panel decided that an appropriate review period would be four years, taking into account the severity of Dr Najmudin's actions and the lack of evidence in the bundle of remorse and insight on the part of Dr Najmudin, which suggest that she may repeat these actions in the future. The panel considered that four years would give Dr Najmudin sufficient time to reflect on her actions and demonstrate that she understood the harmful effect which they had on her pupils, on the Academy and on the wider teaching profession.

In light of Dr Najmudin's age, the panel were concerned that a longer review period would have the effect of preventing Dr Najmudin from having a meaningful prospect of

ever returning to the teaching profession. This was not the panel's intention as this was not a case involving conduct which weighs in favour of not offering a review period.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and a relevant conviction.

The panel has made a recommendation to the Secretary of State that Dr Rosemin Najmudin should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Dr Najmudin is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In this case, "The panel was satisfied that the conduct of Dr Najmudin fell significantly short of the standard of behaviour expected of a teacher. In particular, the panel noted Dr Najmudin's complete disregard for upholding professional standards including through her methods of communication."

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a teacher, “Dr Najmudin had fraudulently and dishonestly marked a student as present when they were in fact absent. She had also acted dishonestly in sending Student A’s work to Student B and in sending students’ work to her personal email address.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Dr Najmudin, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils. For example, there are circumstances in which a teacher may have to give evidence on serious issues relating to child protection. The panel considered that this conviction demonstrates that Dr Najmudin considers it acceptable to provide false information to a Court and the panel were concerned that Dr Najmudin may repeat this behaviour, particularly in light of the facts found proven in respect of allegations 1 to 4.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel further noted that there was no evidence that Dr Najmudin had demonstrated any level of insight or remorse for her actions.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour, and this puts at risk the future wellbeing of pupils’. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “public confidence in the profession could be seriously weakened if conduct such as that found against Dr Najmudin were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the behaviour displayed in committing the offence, the finding of dishonesty and the impact that such findings have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Dr Najmudin herself. A prohibition order would prevent Dr Najmudin from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Dr Najmudin. The repeated incidents of dishonesty and the lack of any evidence of her remorse were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Najmudin has made to the profession. The panel observe, “There was also no evidence that Dr Najmudin demonstrated exceptionally high standards in her personal and professional conduct or that she has contributed significantly to the education sector. On the contrary, the panel heard oral evidence from Witness A that Dr Najmudin’s day-to-day management such as meeting deadlines, marking work and providing feedback were not up to the standard expected of teachers.”

In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a four-year review period.

I have considered the panel’s comments “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes fraud or serious dishonesty. The panel found that Dr Najmudin demonstrated both fraud and serious dishonesty in a number of cases (including her conviction and knowingly marking a student present when they were in fact absent).”

The panel has also said that “an appropriate review period would be four years, taking into account the severity of Dr Najmudin’s actions and the lack of evidence in the bundle of remorse and insight on the part of Dr Najmudin, which suggest that she may repeat these actions in the future. The panel considered that four years would give Dr Najmudin sufficient time to reflect on her actions and demonstrate that she understood the harmful effect which they had on her pupils, on the Academy and on the wider teaching profession.”

The panel also observed, “In light of Dr Najmudin’s age, the panel were concerned that a longer review period would have the effect of preventing Dr Najmudin from having a meaningful prospect of ever returning to the teaching profession. This was not the panel’s intention as this was not a case involving conduct which weighs in favour of not offering a review period.”

I have considered whether a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of either insight or remorse, and the finding of a relevant offence.

I consider therefore that a four-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Dr Rosemin Najmudin is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 6 July 2026, four years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Dr Najmudin remains prohibited from teaching indefinitely.

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

Dr Najmudin 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.



Decision maker: John Knowles

Date: 1 July 2022

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