



Teaching
Regulation
Agency

Mr Mohammad Sarwar Lone: Professional conduct panel outcome

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

November 2018

Contents

A. Introduction	3
B. Allegations	3
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	7
E. Decision and reasons	7
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	15

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

Teacher: Mr Mohammad Sarwar Lone
Teacher ref number: 0347727
Teacher date of birth: 13 August 1979
TRA reference: 15679
Date of determination: 2 November 2018
Former employer: Grange Technology College, Bradford

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 31 October 2018 to 2 November 2018 at Cheylesmore House, Quinton Road, Coventry, CV1 2WT to consider the case of Mr Mohammad Sarwar Lone.

The panel members were Ms Alison Feist (teacher panellist – in the chair), Mr Kevin Robertshaw (lay panellist) and Mr Steve Oliver (teacher panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Miss Holly Quirk of Browne Jacobson LLP solicitors.

Mr Lone was present and was represented by Mr Marc Beaumont of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 4 June 2018.

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

1. Between March 2016 and May 2016 he failed to maintain appropriate and professional boundaries in that he made persistent and unwanted contact with Witness A in that he:
 - a. on one or more occasion contacted her via text message;
 - b. on one or more occasion contacted her by telephone;
 - c. sent Witness A one or more e-mails from one or more email accounts;
 - d. visited her classroom on one or more occasion;
 - e. on one occasion left sweets in her classroom.
2. His conduct at 1 above occurred and/or continued despite Witness A telling him to stop on one or more occasion.
3. Between March 2016 and May 2016 he made inappropriate comments to Witness A in that he:
 - a. commented on Witness A's clothing and/or the way she dressed;
 - b. suggested that Witness A should pray more or words to that effect.
4. On or around 25 May 2016, he acted in a threatening way towards Witness A by pulling a lanyard from her neck.
5. On a date before 9 June 2016, he threw a Quran at and/or towards Witness A.

The teacher admitted the fact of allegations 1.a. to 1.d. but denied that these actions were unwanted. The teacher denied the remaining allegations.

The teacher denied that the admitted allegations were unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Admissibility of Late Documents

The presenting officer applied to admit two documents, a character reference for Mr Lone and a supplementary document prepared by Witness A. These documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures, at the discretion of the panel. The panel took into account the representations from the presenting officer and the objections raised by the teacher's representative to the admission of the supplementary document prepared by Witness A.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents may reasonably be considered to be relevant to the case. The first document was a character reference in support of the teacher which was omitted from the panel's bundle due to an administrative error.

The second document was an unsigned document from Witness A setting out her view of the impact of the allegations on her. With regard to the overall question of fairness the panel noted it would have the opportunity to confirm in oral evidence whether the document was in fact written by Witness A and the teacher's representative would have the opportunity to question her on the statement.

Decision on anonymity of Witness A at the hearing

Paragraph 4.60 of the Procedures allows the panel, if it considers it to be in the interests of justice, to decide that the name and identity of a witness, either referred to in the hearing papers or present before the panel to give oral evidence, shall not be disclosed during the hearing or at all.

The panel took into account the general rule that matters pertaining to these hearings should be held in public and took account of case law that states: *"It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public's confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties' or witnesses' identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely"*.

The panel had regard to whether the request for anonymity of the witness runs contrary to the public interest. The panel also had regard to the principle that limited interference

with the public nature of the proceedings is preferable to a permanent exclusion of the public.

The panel has decided that, in the circumstances of this case, it is not appropriate to anonymise the name of Witness A as the vulnerable witness measures already put in place are a sufficient safeguard to support Witness A in giving her evidence.

Decision on Excluding the Public

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This followed a request by the teacher that the hearing should be in private.

The panel determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel noted that the teacher had concerns about the impact of the hearing on his young family. The panel balanced the reasons why the teacher requested that the public be excluded against the competing reasons for which a public hearing is required and has found that in this case, the public should not be excluded.

D. 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 2 to 3

Section 2: Notice of Proceedings, Response and Statement of Agreed Facts – pages 5 to 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 26

Section 4: Teaching Regulation Agency documents – pages 28 to 386

Section 5: Teacher documents – pages 388 to 475

In addition, the panel agreed to accept the following:

Character reference – page 477

Additional document prepared by Witness A – pages 479 to 481

Additional character references – pages 482 to 500

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

Witnesses

The panel heard oral evidence from:

- i) Witness A – Teacher at the School;
- ii) Witness B – Pastoral Manager at the School;
- iii) Witness C – Teacher at the School.

Mr Lone gave evidence on his own behalf.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Lone was appointed as the “Second in Area Humanities” at Grange Technology College on 30 January 2015. It is alleged that between March 2016 and May 2016 Mr Lone made persistent and unwanted contact towards a colleague at the school, including through emails, phone calls and texts as well as visits to the teacher’s classroom. It is further alleged that Mr Lone acted aggressively towards the colleague on two separate occasions.

Findings of fact

Our findings of fact are as follows:

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

- 1. Between March 2016 and May 2016 [you] failed to maintain appropriate and professional boundaries in that you made persistent and unwanted contact with Witness A in that you:**
 - a. on one or more occasion contacted her via text message**
 - b. on one or more occasion contacted her via telephone**
 - c. sent Witness A one or more e-mails from one or more e-mail accounts**

d. visited her classroom on one or more occasion

The panel heard oral evidence from Witness A that she met Mr Lone as a result of being colleagues at the school, and that they later became friends. Witness A confirmed in oral evidence that she would regularly get a lift home from school with Mr Lone in order to avoid getting the same bus home as pupils and so she could maintain professional boundaries with her students.

Witness A gave evidence that the relationship started to change in around February or March 2016 and she began to feel uncomfortable around Mr Lone. Witness A believed she blocked Mr Lone's number from her mobile in approximately March, April or May of 2016.

Mr Lone admitted that he sent Witness A a number of text messages, made phone calls to her mobile, sent emails from both his own email address and from a number of anonymous email addresses and also visited Witness A's classroom on one or more occasion during the relevant period.

The panel had regard to approximately 90 personal emails which were sent by Mr Lone to Witness A's school email account, contrary to the school's acceptable use policy. Some of these emails were sent from unidentifiable email addresses and Mr Lone did not provide any reason as to why he had created these accounts. The panel was particularly concerned that some of the emails referred to a decline in Witness A's emotional state. The panel's view was that these suggestions were unsubstantiated and wholly inappropriate to send to Witness A. The panel did not see any evidence that Witness A replied to these emails, except as set out below.

The panel noted that Mr Lone confirmed he had no mentor role in relation to Witness A and that they worked in separate departments within the school. As such the panel found Mr Lone had no reason to visit Witness A at her classroom. The panel particularly noted that on one occasion, Mr Lone confirmed he interrupted a conversation between Witness A and Pupil A in her classroom in order to conduct a personal conversation with Witness A.

The panel had regard to the written evidence of Pupil A who stated, "he asked me to wait outside but [Witness A] did not want me to go and said 'no he can stay' but he would not have it and basically forced me out the classroom. I left but I was watching outside the classroom window. What I had seen was extremely inappropriate. It looked like he was trying to do something to [Witness A] and she was saying 'get away from me'."

Mr Lone stated in oral evidence that he had previously been in a romantic and sexual relationship with Witness A. This conflicted with the evidence of Witness A who denied that there had ever been a romantic or sexual relationship. The panel noted this conflict of evidence and did not find it relevant to the allegation as regardless of whether there had been a relationship in the past, Mr Lone's behaviour at the time of the allegations

was not welcomed by Witness A and indeed, she did ask him repeatedly to stop contact both in conversation and by email.

The panel had regard to an email from Witness A to Mr Lone on 3 April 2016 in which she stated, "I would appreciate it if you do not contact me through email, phone or various other numbers. If you are persistent in contacting me in any form, I will have no choice but to take it further which I do not want to do but it will be my last resort if you continue in this manner."

This was later followed by an email dated 18 May 2016 in which she stated, "do not have contact with me of any sort."

The panel found this allegation proven on the balance of probabilities.

2. Your conduct at 1 above occurred and/or continued despite Witness A telling you to stop on one or more occasion

The panel noted the evidence of Mr Lone in which he stated that he contacted Witness A despite her request not to have further contact from him because she "blew hot and cold" and that at times she would ask him to stop contacting her but that she would continue to contact him. The panel did not find any credible evidence of this.

The panel had regard to an email from Witness A to Mr Lone on 3 April 2016 in which she stated, "I would appreciate it if you do not contact me through email, phone or various other numbers. If you are persistent in contacting me in any form, I will have no choice but to take it further which I do not want to do but it will be my last resort if you continue in this manner."

This was later followed by an email dated 18 May 2016 in which she stated, "do not have contact with me of any sort."

The panel found this allegation proven on the balance of probabilities.

3. Between March 2016 and May 2016 on one or more occasion you made inappropriate comments to Witness A in that you:

b. suggested that Witness A should pray more or words to that effect

The panel had regard to emails sent by Mr Lone to Witness A and noted that on a number of occasions Mr Lone made reference to Witness A carrying out prayers. This included statements such as, "you are loved by Him. Greatly. He truly loves you, can help like nobody else can and He fully understands you. Turn to him. Don't hesitate. Don't wait for tomorrow, it may never arrive. Choose Him SWT."

The panel also noted an email dated 17 April 2016 in which Mr Lone stated, "The best thing to do behind someone's back is to make dua for them. Please do :)".

The panel found these emails, and others, supported Witness A's oral evidence that in conversation, Mr Lone would ask her to pray more.

The panel found this allegation proven on the balance of probabilities.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

1. Between March 2016 and May 2016 [you] failed to maintain appropriate and professional boundaries in that you made persistent and unwanted contact with Witness A in that you:

e. on one occasion left sweets in her classroom

The panel heard oral evidence from Witness A that in the period when she had classed Mr Lone as a friend, he had made a joke about the way in which she pronounced a word which made them think of Werther's Original sweets.

Witness A stated that on her first day back to school after the Easter break, she noticed that this particular sweet had been left in various locations around her classroom. Witness A stated she was aware that Mr Lone had been teaching extra classes over the Easter break and so believed he had left the sweets in reference to their private joke.

Mr Lone confirmed that there had been a private joke about the sweets but denied leaving them in her classroom.

The panel was not satisfied there was sufficient evidence to show, on the balance of probabilities, that the sweets were left by Mr Lone and so found this allegation not proven.

3. Between March 2016 and May 2016 on one or more occasion you made inappropriate comments to Witness A in that you:

a. commented on Witness A's clothing and / or the way she dressed

The panel heard oral evidence from Witness A that Mr Lone commented that her skirt was too short. The panel noted that Witness A's evidence was that this comment occurred before March 2016.

The panel heard oral evidence from Mr Lone that he did not make any comments of this nature towards Witness A. Mr Lone gave evidence that his only comments about Witness A's clothing were to say she suited a particular colour or item of clothing.

The panel preferred the evidence of Witness A that the comment was made, however noted that it occurred outside the time period of the allegation.

The panel found this allegation not proven on the balance of probabilities.

4. On or around 25 May 2016, you acted in a threatening way towards Witness A by pulling a lanyard from her neck

The panel heard oral evidence from Witness A in which she stated she was with colleagues in the staff break room on the morning of 25 May 2016 when Mr Lone asked her for two minutes of her time. She gave evidence that she did not want to go with him however her colleagues, who were not aware of Mr Lone's emails and texts to her, suggested that she speak to him.

Witness A gave evidence that she went to the art room with Mr Lone and during the course of that conversation, Mr Lone unexpectedly grabbed her lanyard from her neck, causing it to snap.

Mr Lone gave oral evidence that this incident did not happen.

The panel preferred the evidence of Witness A that this incident did happen, however noted Witness A's evidence that Mr Lone pulled the lanyard from her neck in a playful way.

The panel found this allegation not proven on the balance of probabilities.

5. On a date before 9 June 2016, you threw a Quran at and/or towards Witness A

The panel had regard to the oral evidence of Witness A in which she described an incident in which Mr Lone interrupted a conversation she was having with Pupil A in her classroom after a class had finished. Witness A stated that Mr Lone escorted Pupil A out of the room and asked Pupil A to wait outside. Witness A went on to state that Mr Lone began to speak to her and she asked him to leave. During the course of this conversation, Mr Lone threw a Quran at her, striking her on the neck. She then gave the Quran back to him before he again attempted to press it into her hands.

Mr Lone denied this allegation. Mr Lone stated in oral evidence that he had been upset about an altercation with another member of staff about a personal matter which had taken place earlier that day. Mr Lone stated he had gone to Witness A's classroom to talk about this issue. Mr Lone accepted that he asked a student to leave the room but that the conversation he had with Witness A did not involve throwing a Quran.

The panel had regard to the written evidence of Pupil A who stated, "he asked me to wait outside but [Witness A] did not want me to go and said 'no he can stay' but he would not have it and basically forced me out the classroom. I left but I was watching outside the classroom window. What I had seen was extremely inappropriate. It looked like he was trying to do something to [Witness A] and she was saying 'get away from me'."

The panel accepted that there had been an altercation of some kind however was not satisfied that there was sufficient evidence to show that a Quran had been thrown by Mr Lone.

The panel found this allegation not proven on the balance of probabilities.

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

Having found a number of the allegations to have been proven, the panel went on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel is satisfied that the conduct of Mr Lone in relation to the facts found proven, involves breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Lone 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
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel is satisfied that the conduct of Mr Lone amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel had particular regard to Mr Lone’s evidence that he behaved like a “lovesick teenager” and noted that this was not an acceptable reason for Mr Lone’s departure from appropriate professional conduct both inside and outside of the school setting. The panel also considered the content of some of the emails to be particularly concerning and undermining to Witness A in that they made reference to her emotional state, her practice of her religion and her relationships with other colleagues. The panel found that Mr Lone’s actions had a significant negative impact on Witness A’s working environment.

The panel has also considered whether Mr Lone’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that none of these offences are relevant.

The panel notes that some of the unwanted and persistent contact took place outside of the education setting, namely a number of phone calls were made by Mr Lone to Witness A during the Easter holidays.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The panel noted Mr Lone's behaviour in interrupting a meeting between Witness A and Pupil A, and proceeding to have an animated discussion about a personal issue, was highly inappropriate and negatively affected Pupil A.

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

Having found the facts of particulars 1.a, 1.b, 1.c., 1.d, 2 and 3.b proved, we further find that Mr Lone's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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 considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has noted the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Lone, which involved persistent and unwanted attention towards a colleague between March 2016 and May 2016, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lone were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered that there was a strong public interest in declaring proper standards of conduct in the profession was present as the conduct found against Mr Lone was outside that which could reasonably be tolerated.

The panel noted that there was also a strong public interest consideration in retaining the teacher in the profession, since no doubt has been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession and the wider community.

In view of the clear public interest factors that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Lone.

In carrying out the balancing exercise the panel has noted the public interest considerations both in favour of and against prohibition as well as the interests of Mr Lone. 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, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- deliberate behaviour that undermines pupils, the profession, the school or colleagues

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The teacher's actions were deliberate and sustained over a period of time, and the teacher was not acting under duress. However, the panel acknowledged that Mr Lone was suffering emotionally at the time of the allegations.

The teacher did have a previously good history and the panel accepts that Mr Lone's behaviour between March 2016 and May 2016 was out of character.

The panel was provided with 40 exemplary references from pupils Mr Lone had taught, parents of pupils, colleagues at the various schools at which he had taught and from professionals. The panel found this to be very persuasive evidence in favour of Mr Lone continuing to teach. The panel was particularly impressed by the following statements made in support of Mr Lone; "[he was a] good, popular and experienced teacher", "[a] natural born leader", "[he had] an ability to empower youngsters in their studies and in sport", and, "it is a testament to Mohammad's experience, excellent practice,

professionalism, dedication and superb manner with the students, that he quickly won them over... we would have no hesitation in re-employing.”

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition and the evidence provided by Mr Lone in favour of him continuing to teach.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Lone. The panel found that Mr Lone had not demonstrated a full understanding of the impact of his behaviour on Pupil A and Witness A. In particular, the tone, content and undermining nature of some of the emails sent to Witness A during her first year of teaching. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. 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 behaviours that, if proven, would militate against a review period being recommended. The panel has found that none of these behaviours are relevant.

The panel felt 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 provision for a review period of 2 years.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Lone should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Lone 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
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel finds that the conduct of Mr Lone fell significantly short of the standards expected of the profession.

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 Mr Lone, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that the behaviour, "was highly inappropriate and negatively affected Pupil A."

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, "Mr Lone had not demonstrated a full understanding of the impact of his behaviour on Pupil A and Witness A. In particular, the tone, content and undermining nature of some of the emails sent to Witness A during her first year of teaching." 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 well-being of pupils and colleagues. 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, "The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

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 Mr Lone himself. The panel say that it, "was provided with 40 exemplary references from pupils Mr Lone had taught, parents of pupils, colleagues at the various schools at which he had taught and from professionals. The panel found this to be very persuasive evidence in favour of Mr Lone continuing to teach." The panel also accept that his behaviour at this time was out of character.

A prohibition order would prevent Mr Lone from teaching and a prohibition order would also clearly deprive the public of his 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 also said, "Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition and the evidence provided by Mr Lone in favour of him continuing to teach."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Lone has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision 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 2 year review period. This is the minimum set out in the legislation.

I have considered whether a 2 year 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, I consider that it does.

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

This means that Mr Mohammad Lone is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 23 November 2020, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Mohammad Lone remains prohibited from teaching indefinitely.

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

Mr Mohammad Lone 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.



Decision maker: Alan Meyrick

Date: 6 November 2018

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