

Mr Kamran Mohammed: Professional conduct panel outcome

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

April 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	7
Documents	7
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	23
Decision and reasons on behalf of the Secretary of State	27

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

Teacher:	Mr Kamran Mohammed
Teacher ref number:	0934683
Teacher date of birth:	25 February 1985
TRA reference:	21530
Date of determination:	23 April 2024
Former employer:	West Bromwich Collegiate Academy, West Bromwich

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 22 to 23 April 2024 by way of a virtual hearing, to consider the case of Mr Kamran Mohammed.

The panel members were Mr Adnan Qureshi (lay panellist – in the chair), Ms Hannah Fellows (lay panellist) and Ms Cathy Logan (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Sarah Vince of Browne Jacobson solicitors.

Mr Mohammed was present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 March 2024.

It was alleged that Mr Mohammed was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as the head of physical education between 1 September 2019 and 30 January 2023, he:

- 1. Failed to maintain appropriate professional boundaries with Pupil A, including by;
 - a) Following Pupil A on Instagram;
 - b) Messaging Pupil A via Instagram;
 - c) Attempting to call Pupil A via Instagram on one or more occasions;
 - d) Providing his personal number to Pupil A;
 - e) Asking Pupil A to call him on his personal number;
 - f) Asking Pupil A whether he had snapchat;
 - g) Holding Pupil A's hand on one or more occasions;
 - h) Making inappropriate comments to Pupil A, including words to the effect of:
 - i) Telling Pupil A that he means a lot to him on one or more occasions;
 - ii) Calling Pupil A 'my guy' on one or more occasions;
 - iii) Telling Pupil A that 'you're family to me. Always have been';
 - iv) Telling Pupil A that he didn't ever want to lose touch with him on one or more occasions;
 - v) Telling Pupil A that he missed him 'so much';
 - vi) Saying to Pupil A 'always here for you, if you ever need anything';
 - vii) Saying to Pupil A 'when that wasteman [Pupil B] punched you on the MUGA and I wasn't there. Wanted to beat him up silly';
 - viii) Telling Pupil A 'I will buy you anything you like. For your birthday';
 - ix) Speaking to Pupil A about Love Island and asking 'or are people looking for a shag';

- x) Telling Pupil A that photographs with Pupil A in them looked good;
- xi) Sending a photograph to Pupil A of a stadium and saying 'just like watching you run [wink face]';
- i) You gave Pupil A gifts, including:
 - i) Chocolate;
 - ii) Insoles;
- j) Discussing personal and/or confidential matters with Pupil A, including;
 - i) Telling Pupil A that his [REDACTED];
 - ii) Telling Pupil A that he was going [REDACTED];
 - iii) Discussing where another staff member at the Academy lived.
- 2. He attempted to conceal and/or encouraged Pupil A to conceal his communications with Pupil A by:
 - a) Asking or instructing Pupil A to save his personal number under a different name;
 - b) During the Academy's investigation and/or disciplinary process in respect to his communications with Pupil A, he denied that he had sent Instagram messages to Pupil A when in fact he had authored and sent the messages.
- 3. His conduct as may be found proven at Allegation 2 above lacked integrity and/or was dishonest.

Mr Mohammed admitted the particulars of allegations 1(b), 1(c), 1(d), 1(e), 1(f), 1(h)(i - ix and xi), 1(i)(i and ii), 1(j)(ii - iii), 2(a), 2(b) and 3. Mr Mohammed denied allegations 1(a), 1(g), and 1(h)(x) as set out in his email dated 3 April 2023.

Preliminary applications

Application for part of the hearing to be heard in private

The panel considered an application from the teacher that the hearing should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The Presenting Officer did not have an objection to part of the hearing being in private [REDACTED]; The panel granted the application for part of the hearing to be heard in private [REDACTED];. The panel considered it was not contrary to

the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of the teacher's and his [REDACTED]; private life and that there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Application for documents to be admitted as hearsay

The Presenting Officer made an application that the statement of Pupil A, the record of the interview discussion with Pupil A and the screen shots of the Instagram messages be admitted as hearsay evidence in the absence of the witness.

After receiving written submissions from the Presenting Officer, considering the submissions from the teacher and receiving legal advice, the panel made the following decision.

The panel considered that Pupil A did not wish to attend the hearing as the matter was affecting [REDACTED]. Due to the age of Pupil A the Presenting Officer submitted that she did not consider it to be proportionate to obtain a witness summons.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence. The panel considered the teacher's submissions that he had not been afforded the opportunity to question Pupil A and that Pupil's A statement had not been signed. However, the panel noted that the evidence of the witness was not the sole and decisive evidence in relation to a number of the allegations, as a number of them had been admitted. Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness.

The panel concluded that the balance of fairness was in favour of admitting the witness statement of Pupil A, the record of interview discussion with Pupil A and the screenshot of the Instagram messages as hearsay evidence. Accordingly, the evidence will be admitted and will be considered in the panel's deliberations. The panel concluded that it would treat the hearsay evidence with caution and would consider the appropriate amount of weight to place on it.

Discontinuance of the proceedings

In the proceedings it came to light that the Presenting Officer's firm were also instructed to act on behalf of the School in the employment tribunal proceedings brought by the Teacher. The Presenting Officer explained that the Presenting Officer's firm and the

TRA's position is that there is no conflict of interest. The Presenting Officer explained that there were measures in place to avoid any conflict, including the existence of a Chinese wall in order to ensure that the Presenting Officer was not privy to any information which she should not be privy to. The teacher asserted that he wanted the hearing to progress and continue.

The panel were satisfied based on the Presenting Officer's representations that it could proceed, particularly given that the teacher indicated he was satisfied and confirmed he wanted the hearing to proceed.

Summary of evidence

Documents

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

- Section 1: Anonymised pupil list pages 5 to 6
- Section 2: Notice of proceedings and response pages 7 to 19
- Section 3: TRA witness statements pages 20 to 38
- Section 4: TRA documents pages 39 to 148
- Section 5: Teacher documents pages 149 to 170.

In addition, the panel received additional documents which included:

- The Presenting officer's application for hearsay evidence pages 171 to 177
- The hearsay document referred to in the Presenting Officer's application (which included the Pupil A's witness statement already included in the bundle) – pages 178 to 183
- Chronology 184
- Confirmation that teacher waives 10 weeks 185 to 189

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

Individual A

Mr Mohammed chose not to give oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2019, Mr Mohammed commenced employment at West Bromwich Collegiate Academy ('the School').

On 1 August 2022, Pupil A's [REDACTED] contacted the School regarding Instagram calls and messages that had been sent to Pupil A, allegedly from Mr Mohammed on 21, 22 and 23 July 2022.

On 2 August 2022, Pupil A's [REDACTED] reported the messages to the police.

On 8 August 2022, the matter was referred to the LADO.

On 25 August 2022, the LADO asked the School to carry out an internal investigation.

On 5 September 2022, Mr Mohammed was asked not to attend work whilst the investigation took place.

On 8 September 2022, Mr Mohammed was interviewed.

On 12 September 2022, the School's investigation findings were shared with the LADO.

On 7 October 2022, Mr Mohammed was suspended from his position at the School.

On 30 January 2023, Mr Mohammed was dismissed.

On 17 February 2023, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

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

1. Failed to maintain appropriate professional boundaries with Pupil A, including by;

b) Messaging Pupil A via Instagram;

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and [REDACTED];, between 21 and 23 July. The panel noted that there were various messages from Mr Mohammed to Pupil A on Instagram.

The panel considered the witness statement of Pupil A, who stated that, during the summer holidays when he had finished [REDACTED];, Mr Mohammed contacted him via Instagram and started messaging him. He stated that he did not know how Mr Mohammed got his Instagram name as it was [REDACTED]; and did not include his name. The panel noted the witness statement of Pupil A which was admitted as hearsay evidence and considered the appropriate amount of weight to place on hearsay evidence accordingly.

Pupil A confirmed that, originally, he did not know that it was Mr Mohammed who was messaging him, but once he realised he was shocked. He stated that he believed the first message from Mr Mohammed was '*yo yo*', to which he replied with *'hello*'. The panel noted that this matched the screenshots of messages provided in the hearing bundle. Pupil A submitted that he was replying to Mr Mohammed's messages but that his replies were blunt in order to try and end the conversation. He stated that Mr Mohammed kept carrying the conversation on.

The panel found allegation 1(b) proven.

c) Attempting to call Pupil A via Instagram on one or more occasions;

The panel noted that Mr Mohammed admitted this allegation.

The panel noted that the transcript and screenshots of messages between an account named '[REDACTED];' and '[REDACTED]; contained various attempts by Mr Mohammed to call Pupil A.

The panel noted the following content from the transcript and screenshots in particular:

21 July 2022:

• *KM*: 3 audio calls between 5:32pm and 5:55pm, no calls answered.

22 July 2022:

• KM: audio call at 7:37pm not answered.

23 July 2022:

• *KM: Audio call at 10:56pm.*

The transcript and screenshots showed that Mr Mohammed had attempted to audio call Pupil A five times.

The panel considered the witness statement of Pupil A who stated that, during the summer holidays when he had finished [REDACTED];, Mr Mohammed contacted him via Instagram and tried to call him, which was supported by the screenshots of messages. Pupil A stated that he never picked up the calls as he thought it was weird.

The panel considered the statement of Mr Mohammed, who stated that there were three attempted calls from his account to Pupil A's account on that evening, and that Pupil A had attempted to call the account back twice, but none of the calls were answered.

The panel found allegation 1(c) proven.

d) Providing your personal number to Pupil A; and

e) Asking Pupil A to call you on your personal number;

The panel noted that Mr Mohammed admitted these allegations.

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed gave him his personal number.

The panel noted the transcript dated 21 July 2022 and screenshots of messages between an account named '[REDACTED]; and [REDACTED];, which showed that Mr Mohammed had said on 22 July 2022 to Pupil A 'Oh save my number under a different name and give us a dead call, don't ever wanna lose touch. [REDACTED];' and later 'oh I see. Give us a dead call when you get a second, if that's ok.'

The panel found allegation 1(d) and 1(e) proven.

f) Asking Pupil A whether he had snapchat;

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript of messages between an account named [REDACTED]; and [REDACTED];, dated 21 July 2022, and the screenshots of messages provided.

The transcript and screenshots showed that Mr Mohammed had said to Pupil A 'You on Snapchat?' to which Pupil A responded 'I never use it'. The panel noted that Mr Mohammed then told Pupil A that he was going to convert him one day.

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed asked him if he had Snapchat, and that he thinks he told Mr Mohammed that he didn't really use it.

The panel found allegation 1(f) proven.

h) Making inappropriate comments to Pupil A, including words to the effect of:

i) Telling Pupil A that he means a lot to you on one or more occasions;

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and '[REDACTED];. Mr Mohammed had sent a message to Pupil A stating, [REDACTED]; to which Pupil A replied 'and'. Mr Mohammed then replied to Pupil A, 'Its why I had to contact someone who means a lot to me'.

Therefore, the panel concluded that in the messages to Pupil A, Mr Mohammed had made the inappropriate comment that he meant a lot to him.

The panel went on to consider whether Mr Mohammed had said this on more than one occasion.

The panel considered Pupil A's witness statement which stated that Mr Mohammed had said to Pupil A that "*he [meant] a lot*" to him outside of the messages. The panel concluded that, on the balance of probabilities, Mr Mohammed was more likely than not to have said that Pupil A had meant a lot of him on more than one occasion.

The panel found allegation 1(h)(i) proven.

ii) Calling Pupil A 'my guy' on one or more occasions;

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and '[REDACTED];, which showed that Mr Mohammed had sent a message to Pupil A stating 'Goodnight my guy'.

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed asked him about being a [REDACTED]; fan. Pupil A stated that he replied to the messages but not in a way that he would have known that it was him. He submitted that Mr Mohammed then said to him *'wrong profile'* and asked about his initials, to which he told him that these were not his initials.

Pupil A submitted in his witness statement that Mr Mohammed then called him *'my guy'*, which was something that he used to say to him frequently in person. The panel treated this hearsay evidence with caution and noted that no further evidence had been provided to demonstrate that Mr Mohamed had called Pupil A *'my guy'* outside of the screenshots of messages presented to the panel, save for the hearsay evidence.

The panel considered the oral evidence and witness statement of Individual A, who stated that, as part of the investigation, the messages were considered, and that Mr Mohammed had referred to Pupil A as *'my guy'*, in the messages.

The panel considered the statement of Mr Mohammed, who stated that the phrase '*my guy*' was often used by Pupil A to other friends and to himself on occasions. He stated that he may have used it by repeating it back on a couple of occasions in order to build a rapport with Pupil A after his disruptive behaviour in lessons, but looking back it was a mistake and may have been taken the wrong way. Mr Mohammed submitted that this is the reason why it may have been used in the message exchanges.

The panel concluded that Mr Mohammed had called Pupil A '*my guy*' on at least one occasion in the message sent to Pupil A.

The panel found allegation 1(h)(ii) proven.

iii) Telling Pupil A that 'you're family to me. Always have been';

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and '[REDACTED]; which showed that Mr Mohammed had sent a message to Pupil A stating 'Its ok, time will heal me. As will staying in touch with you, you're family to me. Always have been.'

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed said he wanted to talk to him about [REDACTED] as he saw him as family, and that after this he just tried to have a normal conversation with him. Pupil A submitted that he felt a bit weird about the messages because Mr Mohammed was his teacher and so it was inappropriate, and he did not know how to respond to him.

The panel found allegation 1(h)(iii) proven.

iv) Telling Pupil A that you didn't ever want to lose touch with him on one or more occasions;

The panel noted that Mr Mohammed admitted this allegation but that he had only told Pupil A he did not ever want to lose touch with him once, on the messages.

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and '[REDACTED]; which showed that Mr Mohammed had said to Pupil A 'Oh save my number under a different name and give us a dead call, don't ever wanna lose touch.'

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed gave him his personal number and told him to give him a call so that they did not lose touch.

The panel considered that, in the context of the screenshots of the messages they had been presented with, there was evidence that Mr Mohammed had said once to Pupil A

that he did not want to lose touch with him and, therefore, the panel found allegation 1(h)(iv) proven.

v) Telling Pupil A that you missed him 'so much';

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and '[REDACTED];, which showed that Mr Mohammed had said to Pupil A *'missed me you so much'*.

The panel noted that Mr Mohammed admitted this allegation.

The panel found allegation 1(h)(v) proven.

vi) Saying to Pupil A 'always here for you, if you ever need anything';

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and '[REDACTED]; which showed that Mr Mohammed had said to Pupil A *'wanna store your number, but u don't need to if u don't want. Always here for you, if you ever need anything',* to which Pupil A replied with *'Thanks'.*

The panel noted that Mr Mohammed also admitted this allegation.

The panel found allegation 1(h)(vi) proven.

vii) Saying to Pupil A 'when that wasteman [Pupil B] punched you on the MUGA and I wasn't there. Wanted to beat him up silly';

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED];and '[REDACTED];, which showed that Mr Mohammed had said to Pupil A 'You know what made me angry this year once. When that wasteman [Pupil B] punched you on the MUGA and I wasn't there. Wanted to beat him up silly', to which Pupil A responded with 'But ur a teacher'.

The panel found allegation 1(h)(vii) proven.

viii) Telling Pupil A 'I will buy you anything you like. For your birthday';

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and [REDACTED];, which showed that Mr Mohammed had said to Pupil A 'I will buy you anything u like. For your birthday'.

The panel considered the witness statement of Individual A, who stated that, as part of the investigation, the messages were considered, and that Mr Mohammed had told Pupil A that he would buy him anything that he wanted for his birthday.

The panel found allegation 1(h)(viii) proven.

ix) Speaking to Pupil A about Love Island and asking 'or are people looking for a shag';

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and [REDACTED]; which showed that Mr Mohammed had said to Pupil A 'Do they vote each other off in love island? How does it work? Or are people looking for a shag?', to which Pupil A replied 'I'm going to sleep now'.

The panel found allegation 1(h)(ix) proven.

x) Telling Pupil A that photographs with Pupil A in them looked good;

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and '[REDACTED];. The panel noted the following messages in particular:

KM: 'One thing. You remember that photographer that came round in school one day'

Pupil A: '?'

KM: 'He took pictures of you in science. I can show you sometime else. They look good.'

The panel noted that Mr Mohammed admitted this allegation but clarified that in the message he stated that the photograph[s] looked good. The panel considered the message and accepted Mr Mohammed's position that he was referring to the photograph looking good.

The panel considered the way in which the allegation was worded in *'telling Pupil A that photographs with Pupil A in them looked good'*, did include telling Pupil A that the photograph looked good and not that Pupil A looked good.

The panel found that sending this message to Pupil A was still inappropriate in the context of messaging a pupil privately on Instagram and, therefore, concluded that the messages were still inappropriate to send to a pupil and therefore he had failed to maintain appropriate professional boundaries. Therefore, the panel found allegation 1(h)(x) proven.

xi) Sending a photograph to Pupil A of a stadium and saying 'just like watching you run [wink face]';

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and '[REDACTED];. The screenshots showed an image of an athletics track which Mr Mohammed had sent to Pupil A.

The screenshots and transcript also showed that Mr Mohammed had said to Pupil A *just like watching you run [winking emoji].*

The panel found allegation 1(h)(xi) proven.

- i) You gave Pupil A gifts, including:
- i) Chocolate;

The panel considered the witness statement of Pupil A, who stated that his relationship with Mr Mohammed in School was just a normal teacher and pupil relationship, but there were some occasions where Mr Mohammed bought him gifts.

Pupil A explained that Mr Mohammed bought and gave him chocolates on at least two occasions. He stated that the first time, he gave him chocolates for his birthday after a lesson. Pupil A submitted that he found it odd at the time because Mr Mohammed seemed unusually happy for him that it was his birthday. He stated that Mr Mohammed was not that close to him, but acted like a family member towards him being happy for him that it was his birthday.

Pupil A submitted that Mr Mohammed gave him chocolates a second time, but that he could not remember what this was for.

The panel noted the witness statement of Pupil A which was admitted as hearsay evidence and considered the appropriate amount of weight to place on hearsay evidence accordingly. The panel considered that Pupil A has been consistent throughout his statement in that he had maintained that on one occasion he had bought Pupil A chocolate for his birthday and that this was after a lesson.

The panel noted the witness statement of Mr Mohammed which was admitted as hearsay evidence and considered the appropriate amount of weight to place on hearsay evidence accordingly. In particular, the panel noted that, as Mr Mohammed had chosen not to give evidence, the panel could not question Mr Mohammed on this allegation.

The panel considered the disciplinary investigation statement dated 8 September 2022. Mr Mohammed stated that he has given out chocolate to students, but that he does not remember giving it out for a specific celebration. He submitted that he has handed out chocolate occasionally, but not just to isolated students.

The panel also considered the screenshots of the messages provided, where Mr Mohammed stated, "*I will buy you anything u like*" "*For your birthday*" and, therefore, that on the balance of probabilities they considered that Mr Mohammed did gift Pupil A chocolate for his birthday.

Therefore, the panel found allegation 1(i)(i) proven.

xii) Insoles;

The panel noted that Mr Mohammed admitted this allegation, albeit Mr Mohammed stated that he should have charged Pupil A for the insoles and that they were for first aid reasons.

The panel considered the witness statement of Pupil A, who stated that, on another occasion to the above, Mr Mohammed gave him insoles. He stated that he had a problem with his feet hurting and had told Mr Mohammed about this.

Pupil A submitted that a few days later, out of the blue, Mr Mohammed gave him some insoles. He stated that he cannot remember the conversation but does not think that he gave them to him in front of anyone else.

The panel considered Mr Mohammed's statement which confirmed that he had provided Pupil A with the insoles.

The panel found allegation 1(i)(ii) proven.

j) Discussing personal and/or confidential matters with Pupil A, including;

i) Telling Pupil A that your [REDACTED];

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named [REDACTED]; and '[REDACTED];. The panel noted the following messages in particular:

KM: 'Do you know why I was off? For 2 weeks'

Pupil A: 'why'

KM: 'You gotta keep it to yourself though'

Pupil A: 'ok'

KM: [REDACTED];

Pupil A: 'Oh I'm sorry'

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed told him that [REDACTED];, and that he was shocked as he was the only pupil that Mr Mohammed had told, which made him feel a bit singled out. Pupil A submitted that he did not like the fact Mr Mohammed had told him this, as it was not something that he wanted to know as Mr Mohammed was his teacher.

The panel considered the oral evidence and witness statement of Individual A, who stated that as part of the investigation the messages were considered, and that Mr Mohammed had discussed details of his personal life with Pupil A and had told him that he [REDACTED];.

The panel found allegation 1(j)(i) proven.

ii) Telling Pupil A that you were going [REDACTED];

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED]; and [REDACTED];. Mr Mohammed had sent a message to Pupil A stating, [REDACTED];

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed stated that he [REDACTED]; at the moment, and that Pupil A did not know what to say to this.

The panel found allegation 1(j)(ii) proven.

iii) Discussing where another staff member at the Academy lived.

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the transcript and screenshots of messages between an account named '[REDACTED];' and [REDACTED];. The panel noted the following messages in particular:

KM: 'Your fav teacher is leaving'

Pupil A: [REDACTED];

KM: '[smile emoji] She lives near me'

Pupil A: 'Does she'

KM: 'She's actually really nice person. Just not cut out for the roadmen of [REDACTED];

The panel found allegation 1(j)(iii) proven.

2. You attempted to conceal and/or encouraged Pupil A to conceal your communications with Pupil A by:

a) Asking or instructing Pupil A to save your personal number under a different name;

The panel noted that Mr Mohammed admitted this allegation.

The panel noted the transcript dated 21 July 2022 and screenshots of messages between an account named '[REDACTED]; and [REDACTED]; which showed that Mr Mohammed had said to Pupil A 'Oh save my number under a different name and give us a dead call, don't ever wanna lose touch. [REDACTED];'.

The panel considered the witness statement of Pupil A, who stated that Mr Mohammed gave him his personal number and told him to save it under a different name, and to call him so that they did not lose touch. Pupil A stated that he found this odd and did not contact Mr Mohammed by phone.

The panel found allegation 2(a) proven.

b) During the Academy's investigation and/or disciplinary process in respect to your communications with Pupil A, you denied that you had sent Instagram messages to Pupil A when in fact you had authored and sent the messages.

The panel noted that Mr Mohammed admitted this allegation.

The panel considered the disciplinary investigation statement dated 8 September 2022. Mr Mohammed stated during the School's investigation that it was his phone number in the messages, and that his account was hacked, and his phone number was on his profile as it was meant to protect his account.

Mr Mohammed stated that when he returned to work after [REDACTED]; the students seemed to know a lot more than he thought. He stated that they knew [REDACTED]; but he did not post about this on his Instagram account, [REDACTED];

Mr Mohammed submitted that he took the photo of Pupil A at [REDACTED];. He stated that he took the picture on his phone and subsequently deleted it.

Mr Mohammed stated that whoever wrote the messages seemed to know a lot of information that some of the [REDACTED]; boys he was teaching [REDACTED]; knew. He stated that he did not know that Individual B lived near him, and that the language used in the messages is not language he would normally use.

The panel considered the oral evidence and witness statement of Individual A, who stated that as part of the investigation the messages were considered, and that Mr Mohammed was interviewed. She stated that Mr Mohammed stated that his Instagram had been hacked and that he wasn't the person who had sent the messages.

The panel found allegation 2(b) proven.

3. Your conduct as may be found proven at Allegation 2 above lacked integrity and/or was dishonest.

The panel noted that Mr Mohammed admitted this allegation.

The panel first considered whether Mr Mohammed had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Mohammed had failed to act within the higher standards expected of a teacher in respect of his conduct as found proven at allegation 2.

Mr Mohammed had failed to act with integrity by trying to make Pupil A save his number under a different name so that the truth would be concealed and so he would not be caught out, and by failing to disclose accurate information during the School's investigation.

The information regarding the messages, and informing the School that he had sent Instagram messages to Pupil A, was relevant to the School's investigation and would be relevant to any School, as teachers are placed in a position of trust. The fact that Mr Mohammed had sent the messages should have been disclosed.

The panel then considered whether Mr Mohammed had acted dishonestly in relation to the proven facts of allegation 2. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel sought to ascertain the actual state of Mr Mohammed's knowledge as to the facts. The panel considered Mr Mohammed's statement.

The panel concluded that Mr Mohammed's conduct as described at allegations 2(a) and 2(b) was dishonest; he had asked Pupil A to save his number under a different name in an attempt to conceal the truth and he had denied sending Instagram messages to Pupil A, which he had in fact sent. The panel found that Mr Mohammed would have known that he sent the messages and that his behaviour was against the values of the School, but he deliberately chose to ask Pupil A to save his number under a different name, and deliberately chose to deny sending the messages during the School's investigation. The panel considered that Mr Mohammed had been dishonest according to the standards of ordinary decent people.

The panel found allegation 3 proven.

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

1. Failed to maintain appropriate professional boundaries with Pupil A, including by;

a) Following Pupil A on Instagram;

The panel noted that Mr Mohammed denied this allegation.

The panel considered the evidence of Mr Mohammed, who stated that he did manage to locate Pupil A's account, but stated that he did not request to follow it.

The panel considered that they were not provided with any screenshots, or other documentary evidence to evidence that Mr Mohammed had followed Pupil A on Instagram and, instead they had been provided with evidence that he had messaged Pupil A.

The panel found allegation 1(a) not proven.

g) Holding Pupil A's hand on one or more occasions;

The panel noted that Mr Mohammed denied this allegation.

The panel considered the witness statement of Pupil A, who stated that there were two instances where Mr Mohammed acted '*weird*' with him in person. He stated that one time, he was in detention with Mr Mohammed, and he was arguing with him. Pupil A explained that his hands were interlocked on the table in front of him and that Mr Mohammed kept trying to touch his hands to try and calm down the argument.

Pupil A submitted that he found this '*weird*' as Mr Mohammed did not need to touch him like this to try and calm him down. He stated that his form teacher, Individual C came in whilst Mr Mohammed was doing this, and that he thinks she logged the incident.

The panel considered the statement of Mr Mohammed, who stated that he made no contact with Pupil A's hands at the time and that there was no reference regarding this in the safeguarding log.

The panel noted that Individual C had not been called to give evidence.

The panel concluded that, even if Mr Mohammed had touched Pupil A's hand in these circumstances, it would not have necessarily been inappropriate and that, due to the lack of evidence presented to the panel, it could not conclude that this would have amounted to Mr Mohammed failing to maintain an appropriate professional boundary with Pupil A.

The panel found allegation 1(g) not proven.

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

Having found a number 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.

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

The panel was satisfied that the conduct of Mr Mohammed, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Mohammed 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
 - o 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, and maintain high standards...
- 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 Mr Mohammed amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. In particular, the panel also considered that the language used by Mr Mohammed was inappropriate. In particular, undermining another teacher, his reference to wanting to beat up Pupil B and overall, the tone and subject matter of the messages had crossed the professional boundary.

The panel considered that Mr Mohammed had initiated the contact with Pupil A and that when Pupil A did not actively respond to the messages, he did not stop messaging Pupil A and instead continued to send him inappropriate messages.

The panel also considered whether Mr Mohammed's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(b) - (1)(g), 1(h) - 1(j), 2(a), 2(b) and 3 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that the allegations all took place outside the education setting. Despite this, the panel found that Mr Mohammed's behaviour was relevant to his position as a teacher, in that he was messaging a current student, whom he had taught, and whom was due to return back to School after the summer holidays.

Accordingly, the panel was satisfied that Mr Mohammed was guilty of unacceptable professional conduct.

The panel took into account the way 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 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 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, potentially damaging the public perception.

The behaviour displayed by Mr Mohammed had not upheld the proper standards of conduct expected as a teacher, as the tone and subject matter of the messages had crossed the professional boundary. The panel also considered Pupil A's age at the time of the allegations.

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

Having found the facts of allegations 1(b) - (1)(g), 1(h) - 1(j), 2(a), 2(b) and 3 proved, the panel further found that Mr Mohammed's conduct amounted 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 was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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 and the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Mohammed, which involved failing to maintain appropriate boundaries with a pupil by messaging and attempting to call the pupil, contact him via Instagram, attempting to conceal communications with the pupil, denying that he had sent messages to the pupil and therefore being dishonest, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Mohammed was 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 Mr Mohammed was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Mohammed. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Mohammed. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- violating of the rights of pupils;
- 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 of concealment including:
 - lying to prevent the identification of wrongdoing;

Even though some of the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Mohammed's actions were not deliberate. He deliberately instigated contact with a pupil and failed to maintain professional boundaries.

The panel acknowledged the mitigation provided by Mr Mohammed, in particular that at the time he sent the messages to Pupil A he [REDACTED];. However, whilst the panel sympathised with what Mr Mohammed had been through and the impact this likely would have had on him and that it is unlikely he would go through something as [REDACTED]; again, the panel concluded that he knew his actions were wrong which was clear by him advising Pupil A to save his number under a different name in an attempt to conceal his actions. The panel also considered that although Mr Mohammed may have reached out to discuss this with Pupil A, that a number of the messages did not relate to this particularly [REDACTED]; in which Mr Mohammed was experiencing.

Further the panel considered that as part of the School's disciplinary process, Mr Mohammed had attempted to blame Pupil A and his [REDACTED] for this message and/or argue that his account had been hacked and, that he should not have tried to place blame and should have managed the situation without dishonesty.

The panel was also concerned that he may repeat his behaviour, should he go through another stressful situation and although they could appreciate that it is unlikely that Mr Mohammed would find himself in a similar situation, he did not provide evidence that should he find himself in a stressful situation in the future that he has the appropriate measures in place. The panel also noted that Mr Mohammed chose not to give evidence and did not present any medical evidence or other documentary evidence showing the impact the [REDACTED];.

The panel did not find that there was any evidence to suggest that Mr Mohammed was acting under extreme duress.

The panel considered the character references provided in Mr Mohammad's reference request.

There was no evidence that Mr Mohammed had demonstrated exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector, such as to suggest his loss to the teaching profession would be significantly detrimental.

The panel acknowledged that Mr Mohammed had apologised, that he regretted his actions and that he had sought [REDACTED]; and, therefore, would make the likelihood of repeating low. However, the panel found that Mr Mohammed had shown limited insight and remorse, in particular, he had not shown that he understood the impact of his inappropriate contact or his subsequent behaviour in acting dishonestly or the impact that this had had on Pupil A.

No evidence was submitted to attest to Mr Mohammed's history or ability as a teacher. There was no evidence before the panel that Mr Mohammed demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

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 Mr Mohammed 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 Mr Mohammed. The serious nature of the misconduct, the dishonesty and the lack of full insight and 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 panel considered the list of behaviours at paragraph 50 of the Advice. The Advice states that where a case involves such behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel did not find that any of these behaviours were relevant.

The panel also considered the list of behaviours at paragraph 51 of the Advice. The Advice states that where a case involves such behaviour is it 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 behaviours includes 'serious dishonesty', which was relevant in this case, given the panel's findings in respect of 'serious dishonesty'. The panel found that Mr Mohammed was responsible for attempting to conceal his communications with Pupil A by asking him to save his number under another name and being dishonest during the School's investigation by denying that he had sent messages that he had in fact authored and sent to Pupil A.

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 5 year review period. The panel considered that a review period of 5 years reflected the seriousness of Mr Mohammed's misconduct and provided a sufficient period of time to allow him to reflect on his conduct, engage with the TRA and demonstrate insight and remorse.

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 (including allegations 1.a and 1.g). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Kamran Mohammed should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Mr Mohammed 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
 - o 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, and maintain high standards...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of failing to maintain professional boundaries with a pupil and dishonesty.

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 likely to 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 Mohammed, 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 and safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Mohammed, which involved failing to maintain appropriate boundaries with a pupil by messaging and attempting to call the pupil, contact him via Instagram, attempting to conceal communications with the pupil, denying that he had sent messages to the pupil and therefore being dishonest, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." 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 has set out as follows, "The panel acknowledged that Mr Mohammed had apologised, that he regretted his actions and that he had sought [REDACTED]; and, therefore, would make the likelihood of repeating low. However, the panel found that Mr Mohammed had shown limited insight and remorse, in particular, he had not shown that he understood the impact of his inappropriate contact or his subsequent behaviour in acting dishonestly or the impact that this had had on Pupil A." In my judgement, the lack of full insight and remorse 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 has observed, "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Mohammed was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of crossing professional boundaries and dishonesty in this case and the impact that such a finding has 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 and conduct likely to bring the profession into disrepute, 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 Mohammed himself. The panel has commented, "There was no evidence that Mr Mohammed had demonstrated exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector, such as to suggest his loss to the teaching profession would be significantly detrimental."

A prohibition order would prevent Mr Mohammed from teaching. 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 full insight or remorse and the risk of repetition. The panel has said, "The panel was also concerned that he may repeat his behaviour, should he go through another stressful situation and although they could appreciate that it is unlikely that Mr Mohammed would find himself in a similar situation, he did not provide evidence that should he find himself in a stressful situation in the future that he has the appropriate measures in place."

I have also placed considerable weight on the finding of the panel that Mr Mohammed's conduct involved serious dishonesty as "Mr Mohammed was responsible for attempting to conceal his communications with Pupil A by asking him to save his number under another name and being dishonest during the School's investigation by denying that he had sent messages that he had in fact authored and sent to Pupil A."

I have also considered the panel's comments on the mitigations provided by Mr Mohammed. The panel has said "whilst the panel sympathised with what Mr Mohammed had been through and the impact this likely would have had on him and that it is unlikely he would go through something as [REDACTED]; again, the panel concluded that he knew his actions were wrong which was clear by him advising Pupil A to save his number under a different name in an attempt to conceal his actions. The panel also considered that although Mr Mohammed may have reached out to discuss this with Pupil A, that a number of the messages did not relate to this particularly '[REDACTED]; in which Mr Mohammed was experiencing."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Mohammed 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, in light of the circumstances in this case, that is not backed up by full insight and remorse, 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 5-year review period.

The panel has noted that the Advice states that where a case involves serious dishonesty 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. The panel has "considered that a review period of 5 years reflected the seriousness of Mr Mohammed's misconduct and provided a sufficient period of time to allow him to reflect on his conduct, engage with the TRA and demonstrate insight and remorse."

I have considered whether a 5-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, factors mean that allowing a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of Mr Mohammed's misconduct, the serious dishonesty found and the lack of full insight and remorse.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Kamran Mohammed 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 02 May 2029, 5 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 Mohammed remains prohibited from teaching indefinitely.

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

Mr Mohammed has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

Decision maker: David Oatley

Date: 26 April 2024

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