



Teaching  
Regulation  
Agency

# **Mr Mark Holland: Professional conduct panel outcome**

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

**March 2025**

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

**Teacher:** Mr Mark Holland

**TRA reference:** 22581

**Date of determination:** 5 March 2025

**Former employer:** Great Academy Ashton, Ashton-under-Lyne

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 to 29 November 2024 and 5 March 2025 virtually, to consider the case of Mr Mark Holland. The panel convened privately on 13 January and 18 and 19 February 2025 to consider this case.

The panel members were Mrs Shabana Robertson (lay panellist – in the chair), Ms Lucy Childs (teacher panellist) and Ms Amanda Godfrey (teacher panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Mr Mark Holland was present and was represented by Ms Hayley Webster of Matrix Chambers.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 13 September 2024.

It was alleged that Mr Mark Holland was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as Mathematics Teacher at the Great Academy Ashton (“the School”):

1. Between around March 2022 and December 2022, Mr Holland made inappropriate and/or offensive comments to pupils and/or acted in an inappropriate manner in that:
  - a. He called Pupil A “Hideous [Pupil A]”, or words to that effect and/or wrote this name on the board; and/or
  - b. He called Pupil B “Football Girl”, or words to that effect; and/or
  - c. He called Pupil C “The Liar,”, or words to that effect; and/or
  - d. He told Pupil D’s girlfriend, Pupil E, that she “could do better” or words to that effect; and/or
  - e. He told Pupil F and/or Pupil G, “In 10 years’ time when we meet again you’re going to have 9 kids to 9 different dads” or words to that effect; and/or
  - f. He called Pupil F “Jaws” and/or said “I’m only joking Jaws, you’re beautiful” or words to that effect; and/or
  - g. He said to Pupil G “Bet you have loads of boyfriends with your looks” or words to that effect; and/or
  - h. He called Pupil H “[Pupil H] the Nun”, or words to that effect, despite that pupil being of Islamic faith; and/or
  - i. He asked Pupil H, “have you got a bomb under there?”, or words to that effect, referring to Pupil H’s hijab and/or you touched Pupil H’s hair; and/or
  - j. He told one or more pupils that the Quran is “not true” and/or “wrong” or words to that effect; and/or
  - k. He called Pupil I “a dumb blonde” or words to that effect.
2. On or around 13 December 2022, Mr Holland did not safeguard Pupil J in that you asked Pupil J in front of her class why her picture was not on her school profile when you knew, or ought to have known, this was due to safeguarding concerns.
3. His comments at 1f) – 1g) were sexually motivated and/or of a sexual nature.
4. His comments at 1h) – 1j) were racially motivated.

The following allegations were admitted by Mr Holland:

- Allegations 1b, 1d partially, and 2.

The following allegations were denied by Mr Holland:

- Allegations 1a, 1c, 1e, 1g, 1h, 1i, 1j, 1k, 3, and 4.

Allegation 1f was partially admitted but following clarification during oral evidence from Mr Holland this allegation was denied in full.

Further, Mr Holland denied that all allegations amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Application of Removal of Hearsay Evidence from the Hearing Bundle**

The panel considered an application from the teacher's representative to remove hearsay evidence from the bundle. The evidence appears on several occasions within the bundle presented to the panel. As the TRA and panel had no notice of the application, the panel has reviewed the bundle in full, including these documents.

The documents that the teacher's representative applied to remove are:

- Pupil F Incident Report dated 8 March 2022
- Pupil G Incident Report dated 9 March 2022
- Pupil R Incident Report dated 16 March 2022
- Pupil T Incident Report dated 16 March 2022
- Pupil D Incident Report dated 8 July 2022
- Pupil D Incident Report dated 12 July 2022
- Pupil Q Incident Report dated 15 July 2022
- Pupil E Incident Report dated 19 July 2022
- Pupil A Incident Report dated 8 November 2022
- Pupil B Incident Report dated 8 November 2022
- Pupil M Incident Report dated 8 November 2022
- Pupil U Incident Report dated 12 December 2022
- Pupil X Incident Report dated 12 December 2022
- Pupil H Incident Report dated 13 December 2022
- Pupil V Incident Report dated 12 December
- Pupil AA Incident Report dated 13 December 2022

- Pupil Y Incident Report dated 13 December
- Pupil O Incident Report undated
- Hand written notes from meeting with Witness A

Under paragraph 5.33 of the Teacher Misconduct: Disciplinary procedures for the teaching profession 2020 (“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. Hearsay evidence is, therefore, admissible in these proceedings subject to the requirements of relevance and fairness.

Each of the incident reports follow the same format regarding their form. The panel appreciate the contents of each document is different. The panel was satisfied that the documents were relevant to the case due to each individual student providing information that is relevant to the allegations to be heard by the panel. Regarding Witness A’s Hand written notes, although the panel were not able to hear from the pupils (Pupil H, Pupil I, and Pupil AA) the panel will have the opportunity to hear from Witness A. Both parties accepted that that the documents were relevant to this hearing.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the presenting officer without the opportunity for the witness to be cross-examined by the teacher.

The panel understood that Mr Holland had received notice that the TRA would only be calling two named witnesses and if he had any concerns about the documents or the lack of pupil witnesses, would have been able to notify the TRA earlier or request a case management hearing to consider this matter.

The panel considered evidence provided of the effort made to secure the attendance of the pupils who wrote the student incident reports but there was no evidence provided that all or any of the pupils could be presented as witnesses. The pupils have not provided witness statements and therefore could not be compelled to give evidence. The panel accepted that it would likely be cumbersome to have 17 pupil witnesses give evidence and disproportionate based on the allegations at hand. The panel understood that the pupils ranged from year 7 to 11 when the reports were made and therefore at the time of the hearing a number of those witnesses would be under the age of 16. The panel will have the opportunity to hear from two witnesses. One of which collated a number of the student incident reports and both witnesses assisted with the investigation the School held against Mr Holland. Witness A was due to give evidence and was present when interviewing the three pupils and therefore could speak to the nature of her notes of their discussion.

The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the Mr Holland. The panel noted that for the majority of allegations, a number of the student incident reports are used in support of the allegations. For those allegations (allegations 1c, 1g and 1k) where there was predominately the evidence from single student incident report (reports from Pupil O, Pupil G, Pupil Y) the bundle does make reference to these allegations in other formats, such as the disciplinary process and the evidence from Witness A. During the disciplinary process, these allegations were put forward to Mr Holland and therefore provided additional context to Mr Holland's responses. The panel noted that the student reports from Pupil O, G and Y were not solely used for allegations 1c, 1g and 1k and also go on to support other allegations in this case. Therefore, the panel concluded that no one student incident report was the sole and decisive evidence for any one allegation.

In the circumstances, given that the evidence is not sole and decisive and that the panel accepts that it is impractical to have 17 pupils give evidence in this case; the panel decided that there were sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine the pupils. The panel at the appropriate time will be provided with a hearsay warning, and the panel will determine what weight, if any it should attach to the evidence.

With regard to the overall question of fairness the panel noted that the teacher and their representative had the opportunity to review the documents within the bundle in advance of the hearing and with sufficient time to be able to prepare for their case. No objections or applications were raised prior to the first day of the hearing. In so far as it was not considered above, the panel considered the following points regarding fairness:

- the nature and extent of the challenge to the contents of the statements – the panel understands that Mr Holland seeks to challenge the contents of the incident reports however the panel accepts that this can adequately be done through representations, Mr Holland's oral evidence and submissions. The panel also accepts that Mr Holland's representative will be able to cross examine the witnesses who were the investigating officers about how the student incident reports were obtained and what efforts were made to prevent collusion or contamination of evidence.
- whether there was any suggestion that the witnesses had reasons to fabricate their allegations – Mr Holland does seek to suggest that the statements of Pupil F, Pupil G, Pupil H, Pupil AA, and Pupil Y reveal frustration/animosity towards Mr Holland, however the panel noted that there was no evidence provided to support this assertion. Also, the panel is able to ask questions of the witnesses, including Mr Holland to build a picture of the pupils interactions.
- the seriousness of the allegations, taking into account the impact which adverse findings might have on the teacher's career – the panel accept that the allegations

are serious and had in mind the impact adverse findings could have on the teacher.

- the fact that the teacher did not have prior notice that the witness statements were to be read – the panel noted that Mr Holland had known who was to be called as witnesses by the TRA by at least 16 August 2024.

By reason of the above, the panel has decided to admit each of the documents and these should remain paginated as set out in the bundle.

### **Admissibility of Late Documents**

The teacher's representative has applied to admit a testimonial document. This document was not served in accordance with the requirements of paragraph 5.36 of the Procedures, and as such the panel is required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel. The panel took into account the representations from the teacher's representative and there were no objections raised by the presenting officer to the admission of the document.

Under paragraph 5.33 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 were satisfied that the document may reasonably be considered to be relevant to the case as it provides support of Mr Holland as a teacher for the panel's consideration in this case.

The panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel's determination on the facts. The panel were satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witness could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence is admitted.

By reason of the above, the panel decided to admit the document and should be paginated as follows:

Testimonial from Individual A - page 361



## 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 and List of Key People – pages 6 to 8

Section 2: Notice of Hearing and Response – pages 9 to 17

Section 3: Teaching Regulation Agency Witness Statements – pages 18 to 30

Section 4: Teaching Regulation Agency Documents – pages 31 to 360

In addition, the panel agreed to accept the following:

Testimonial from Individual A - page 361

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

### Witnesses

The panel heard oral evidence from

The TRA's witnesses:

- Witness A, [REDACTED]
- Witness B, [REDACTED]

Mr Holland's witnesses:

- Mark Holland

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Holland had been employed at Great Academy Ashton since 5 November 2018 as a mathematics teacher. Following allegations made regarding inappropriate comments Mr Holland made to pupils, an investigation meeting was held on 9 and 15 December 2022. This progressed to a disciplinary hearing on 20 September 2023. Mr Holland's employment at Great Academy Ashton ended on 27 September 2023.

## Findings of fact

The findings of fact are as follows:

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

**1. Between around March 2022 and December 2022, you made inappropriate and/or offensive comments to pupils and/or acted in an inappropriate manner in that:**

**a. You called Pupil A “Hideous [Pupil A]”, or words to that effect and/or wrote this name on the board**

Mr Holland denied this allegation.

The panel reviewed Pupil A’s incident report dated 8 November 2022. In it, they state that *“A couple of weeks ago Mr Holland called me hideous he said thats [sic] what he thought my name was...”* and *“...sometimes he would write my name on the board as hideous... I know he was joking when he said these things but it started something big.”*

Pupil A’s mother also complained to the school, stating that *“... I would like to make an official complaint about my daughters maths teacher mr Holland. He has been calling my daughter [Pupil A] in year 7 HIDIOUS [sic] [Pupil A]”*.

Pupil B, in her incident report dated 8 November 2022, commented that *“Now and again when sir put’s a question up on the board we answer by putting are [sic] hand up he says [Pupil A] or hideious [sic]...”*.

On 9 December 2022, Mr Holland attended an investigation meeting with Witness A. During this meeting, Mr Holland was questioned about Pupil A’s mother’s complaint. Mr Holland said that he was playing a game on or around Halloween. As the class was being put into groups, he named one of the groups “Hideous [Pupil A].” Mr Holland stated it was a joke. Mr Holland called the mother to discuss the matter and stated he apologised to Pupil A. Mr Holland accepted during the meeting that he probably did cause undue stress to Pupil A and that she felt belittled, embarrassed, and that her peers started calling Pupil A this name.

In oral evidence, Mr Holland consistently asserted how the name was used for a group activity and that he wrote the name on the board as part of the group name. Mr Holland said that the term hideous was not used directly to address Pupil A.

The panel, had regard to the student incident reports and the comments from Pupil A’s mother being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence. However, the panel noted the similarity between the reports which also provided a contemporaneous record of the incident.

The panel concluded that although Mr Holland denied this allegation, he does admit to using the term hideous in the classroom for a group name in relation to Pupil A's name during the investigation meeting and writing it on the board during oral evidence. The panel gave due consideration on the student incident reports as contemporaneous evidence of what did occur at the time. The panel has therefore concluded that, on the balance of probabilities, this allegation is proven.

**b. You called Pupil B “Football Girl”, or words to that effect**

Mr Holland admitted this allegation. He stated in evidence that he did call Pupil B ‘football girl.’

Pupil B, in her incident report dated 8 November 2022, commented that *“He calls me footballer but I don’t care about it”*.

Another pupil, Pupil O, provided a student incident report which was undated. She stated that Pupil P was called Football Girl and the reason for this was that *“[Pupil P] plays football so sir calls her that but she isn’t happy about it.”* It was put to both counsel whether Pupil P was also called Football Girl or whether this is a redaction that has been incorrectly made. It was accepted by the parties that Pupil O was likely referring to Pupil B and that this was an error in the labelling of the redaction.

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarity between the reports.

Mr Holland stated that he called pupils by nicknames as a method to connect with the students and use this to speak with them about their interests.

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

**c. You called Pupil C “The Liar,”, or words to that effect**

Mr Holland denied this allegation.

Mr Holland provided some context around the events of this allegation. The panel was told that Pupil C was quiet and lacked confidence in class. Pupil C stated in class that they could not do the maths exercise. Mr Holland spoke to him about it and asked Pupil C for an answer, and the pupil gave the correct answer. Mr Holland then stated, *“you’re telling me lies when you say you can’t do maths”*.

Pupil O, in their student incident report, stated that *“Mr Holland has been calling these people this [Pupil C] = The Liar”*. Pupil O provided the following reason why Mr Holland did this *“He said he couldn’t do some thing but when he went through it with sir he understand [sic] the work so sir has been calling him a liar since then”*.

The panel noted that there is no student incident report from Pupil C. The panel heard during evidence that Mr Holland accepted that he did call Pupil C ‘a liar’ on one occasion.

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarity between the report and Mr Holland’s oral evidence.

The panel accepted that calling Pupil C ‘a liar’ was made as a joke with the best of intentions to remove any maths anxiety.

The panel found that calling Pupil C ‘a liar’ is sufficiently similar to calling them ‘the liar’ as set out in the allegation; therefore, on the balance of probabilities, the panel has found this allegation proven.

**d. You told Pupil D’s girlfriend, Pupil E, that she “could do better” or words to that effect**

The panel heard there were two instances alleged where Mr Holland has said the words within this allegation to Pupil E, once in the school corridor and another outside the school gate.

Mr Holland has admitted this allegation for words said by him in the school corridor.

Mr Holland stated that he was walking down the corridor and had come across Pupil D and Pupil E. After the pupils made some jokes about Mr Holland going bald, Mr Holland said to Pupil E, “you could do better.” According to Mr Holland, Pupil D laughed and said “cheeky.” In written evidence, from a staff incident report by Mr Holland dated 14 July 2022, he stated that Pupil D made a comment about his hair and they had a conversation. Pupil D introduced Pupil E to Mr Holland, and Mr Holland said, “*you can do better than that*”. Pupil D responded that it was rude, and Pupil D was laughing. Mr Holland, in written evidence, had said that it was not meant to upset him and he apologised if it had been taken the wrong way.

The panel heard evidence that there was CCTV footage of the incident by the gate; however, this has since been lost and was not available to the panel. Witness B, who had seen the CCTV footage, stated in oral evidence that there was no sound to the CCTV, but in it, you could see Pupils D, E, and Q at the exit gate of the school, which goes on to a roundabout. Witness B’s interpretation of the footage was that Mr Holland, in his car, wound down his window to have a conversation with the students. Pupil D responded to something that was said. Pupil D turned to the other student in surprise or was taken aback. The interaction was said to have lasted more than 20 seconds but less than 60 seconds. There was no transcript of what was seen on the CCTV, and the panel was provided with no contemporaneous notes of the content of the footage.

Pupil D, in his student incident report dated 8 July 2022, stated that “*me and [Pupil E] and [Pupil Q] were out of school gates waiting for [Pupil Q] mum to pick us up and Mr*

*Holland saw us while driving, he stopped and said “is that your girlfriend and pointing at [Pupil Q]” I said no and pointed at [Pupil E] ... Mr Holland looked at [Pupil E] and said “you could do better”*”.

Pupil E, in her student incident report dated 19 July 2022, stated, “...me, [Pupil D] and [Pupil Q] were stood outside the school gates... Mr Holland drove out and stopped the car in front of us. He first pointed at [Pupil Q] and said “is that your girlfriend?” then to me “is that your girlfriend” I nodded and he said to me “you can do better” then looked at [Pupil D] and said “and you know it””.

Pupil Q, in her student incident report dated 15 July 2022, stated that “[Pupil E] and [Pupil D] were outside of school waiting to be picked up and then Mr Holland came out of the school gate and pulled over in his car and ... said to [Pupil D] “is this your girlfriend”. [Pupil D] said yes and he said you could have done better and drove off”.

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarities between the reports.

The panel found it unfortunate that they have not been able to review the CCTV footage of the incident by the gate.

The panel has considered the student incident reports and Mr Holland’s denial of the gate incident. On the balance of probabilities, the panel has found the gate incident proven.

The panel, on reviewing the evidence and admission, has found this allegation proven for the incident in the school corridor.

The panel therefore found this allegation proven.

**e. You told Pupil F and/or Pupil G, “In 10 years’ time when we meet again you’re going to have 9 kids to 9 different dads” or words to that effect**

Mr Holland denied this allegation.

The panel reviewed the following student incident reports.

Pupil F, in her incident report dated 8 March 2022, stated that “... Things he’s [Mr Holland] said to me are, “in 10 years time when we meet again your [sic] gonna have 9 kids to 9 different dads”...”

Pupil G, in her incident report dated 9 March 2022, stated that “You’ll have 7 kids with 10 babydads”.

Pupil R, in their student incident report dated 16 March 2022, stated, “Mr Holland saying to [Pupil F] she is going to end up with 9 kids with different dads...”.

Pupil T, in her student incident report dated 16 March 2022, stated, *“We was in maths and Mr Holland said to [Pupil F] that she’s going to have 9 kids to 9 different dads.”*

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarity between the reports.

The panel heard that Mr Holland denied saying these words and would not say this kind of thing to a pupil. Mr Holland’s context for the alleged incident is that he said to the class, *“if we meet up again in 10 years time you will have your own careers and family, it will be interesting to see what you do.”* Mr Holland alleged that Pupils F and G did not like him and therefore *“got together to make these statements”*.

The panel accepted that some pupils may not have liked Mr Holland’s teaching methods but noted the consistency of the four pupils’ incident reports. If Pupils F and G did conspire to make these allegations against Mr Holland, that does not speak to Pupils R and T and their statements. Therefore, without further evidence to the contrary, the panel finds that it is more likely than not that the statements from Pupils F and G were made in good faith.

On the balance of probabilities, the panel found this allegation proven.

**f. You called Pupil F “Jaws” and/or said “I’m only joking Jaws, you’re beautiful” or words to that effect**

Mr Holland admitted this allegation in part. He initially admitted calling Pupil F beautiful but later in oral evidence he attributed this comment to Pupil G. In light of this clarification the panel considered this allegation to be denied in full.

Mr Holland stated in evidence that he recalled Pupil F coming in late to the lesson. Pupil F had recently had [REDACTED] and said that *“she looks like him off James Bond”*. Mr Holland replied ‘you mean Jaws?’. Mr Holland denied calling Pupil F ‘Jaws’ and stated that Pupil F had referred to herself as Jaws.

Pupil F, in her incident report dated 8 March 2022, stated that Mr Holland *“called me Jaws and the class was laughing and then he said “I’m only joking Jaws your [sic] beautiful...”*

Pupil R, in her student incident report of 16 March 2022, stated that Mr Holland *“called her jaws [REDACTED].”*

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarity between the reports.

The panel has considered the evidence in this allegation and reviewed the relevant student incident reports. Based on what would be contemporaneous evidence, the panel,

on the balance of probabilities, has found it proven that Mr Holland did call Pupil F “Jaws”. However, due to a lack of supporting evidence, the panel did not go on to find the statement “I’m only joking Jaws, you’re beautiful” or words to that effect proven.

Therefore, this allegation has been found proven.

**g. You said to Pupil G “Bet you have loads of boyfriends with your looks” or words to that effect**

Mr Holland denied this allegation.

Pupil G, in her incident report dated 9 March 2022, stated that *“Mr Holand [sic] makes innaproiate [sic] comments and makes me feel very uncomfortable. He says things like ... “Bet you have loads of boyfriends with your looks”... Always calling my beatiful [sic] and is always talking about my looks.”*

The panel, had regard to the student incident report being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence.

The panel has no other evidence in support of this allegation, and Mr Holland denied making this comment at all.

The panel considered the evidence for this allegation against Mr Holland’s denial and, on the balance of probabilities, found insufficient evidence to find this allegation proven.

Therefore, the panel found this allegation not proven.

**h. You called Pupil H “[Pupil H] the Nun”, or words to that effect, despite that pupil being of Islamic faith**

Mr Holland denied this allegation.

Pupil H, in her student incident report dated 13 December 2022, stated, *“Mr Holland has been making comments about my hijab since he started teaching in year 10 calling nun all the time for the way that I wear my hijab...”*

Pupil Y, in their student incident report dated 13 December, stated that Mr Holland has called *“... “[Pupil H] the nun” this is not happened once but multiple of times at this point he titled her “[Pupil H] the nun”...”*

Pupil AA, in their student incident report dated 13 December 2022, stated Mr Holland *“called [Pupil H] a nun...”*

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence, but noted the similarity between the reports.

The panel heard from Mr Holland that he didn't call Pupil H a nun but said that her headscarf was like a nun's habit. In the disciplinary hearing meeting notes of 20 September, Mr Holland said to the 'disciplining officer,' "[Pupil H] has a white band on her head, she goes out to adjust it as it slips and some girls are not able to show their hair. I said to [Pupil H] 'you look like a nun do you want to go and change it'..."

The panel has been able to review the relevant student incident reports and Mr Holland's comments, as well as those he made in the hearing minutes, and the panel has concluded on a balance of probabilities that this allegation has been proven.

**i. You asked Pupil H, "have you got a bomb under there?", or words to that effect, referring to Pupil H's hijab and/or you touched Pupil H's hair**

Mr Holland denied this allegation.

Pupil H, in her student incident report dated 13 December 2022, stated, "... he also touched my hijab and asked if I have a bomb in my hijab...". In Witness A's interview with Pupil H, she stated that Pupil Y said that Mr Holland said, "do you have a bomb in there".

Pupil Y, in their student incident report dated 13 December, stated that Mr Holland said to Pupil H, "is there a bomb under their [sic]".

Pupil AA, in their student incident report dated 13 December 2022, stated Mr Holland "said "do you have a bomb in there" to my friend [Pupil H] because she has a bun...".

In the investigation meeting held on 15 December, Mr Holland told Witness A that he did not say the alleged comment to Pupil H. Mr Holland has been consistent in his denial of this allegation.

The panel acknowledged some inconsistency in the presentation of the evidence from Pupil H. In her interview, it reads as if she did not hear the comment, but in her student incident report it suggests that she heard the comment.

However, the panel accepts that there is enough consistency between the incident reports to make this allegation more likely than not to have occurred.

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland's evidence, but noted the similarity between the reports.

The panel noted that there is no further corroborative evidence that Mr Holland touched Pupil H's hair or hijab and noted that there were no parent complaints provided in evidence.



On a balance of probabilities, the panel found it proven that Mr Holland said to Pupil H, “have you got a bomb under there?” or words to that effect, but does not find it proven that he touched Pupil H’s hair or attempted to do so through her hijab.

Therefore, the panel found this allegation proven.

**j. You told one or more pupils that the Quran is “not true” and/or “wrong” or words to that effect**

Mr Holland denied this allegation.

Pupil U, in their student incident report dated 12 December 2022, stated that Mr Holland *“said the Quran is false and not factually correct. He also said gay people are allowed in Islam he said it to me + [Pupil V] + [Pupil W]”* and *“Somebody was talking about a transwoman dating a footballer. I heard sir say “the Quran + bible are factually fake and how do they know any true facts. He also said “who is god” “how does he even know this””*.

Pupil V, in their student incident report dated 12 December 2022, stated that *“Mr Holland said that there is no such thing as the “Quran” [sic] ... everyone was arguing back with him because he was in the wrong for saying this... he was mosley [sic] talking to the muslims in the lessons and saying “there is not such thing as the “Quran” [sic]”*.

Pupil X, in their student incident report dated 12 December 2022, stated, *“being gay or trans is not aloud [sic] in our religion but Mr Holland said it doesn’t say it the Quran and its not true which it mentions in the Quran that being gay is not aloud [sic] ... So he’s saying the Quran is wrong.”*

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence.

Mr Holland, during oral evidence, stated that this allegation is regarding his discussion with students at the end of a maths lesson about the footballer Kylian Mbappé dating a transgender individual. Mr Holland was asked if it bothers him, to which Mr Holland said no. Pupil AH said that it is haram. Mr Holland stated that the term transgender is not in the three books (the Torah, Bible, and Quran) as it is a modern word. Mr Holland said in evidence that the conversation didn’t last longer than five minutes. Mr Holland stated that he didn’t say that the Quran is not true or is wrong.

In coming to its conclusion, the panel has reviewed the evidence in the bundle and heard at the hearing. On balance, the panel does not accept the pupils interpretation of the discussion they had with Mr Holland.

On the balance of probabilities, the panel found this allegation not proven.

**k. You called Pupil I “a dumb blonde” or words to that effect.**

Mr Holland has denied this allegation.

Pupil Y, in their student incident report dated 13 December, stated Mr Holland “*called [Pupil I] a student in his class “a young, dumb attractive women [sic]”.*

The panel noted that there was not a student incident report from Pupil I.

The panel, had regard to the student incident reports being hearsay evidence and therefore attributed less weight to it than Mr Holland’s evidence.

Mr Holland stated in his Appeal Hearing on 15 November 2023 that “...*Pupil B would jokingly call Pupil I a dumb blonde.*” In Mr Holland’s Disciplinary Meeting held on 20 September 2023, Mr Holland said that he would say to Pupil I, “*you don’t want to go through life being judged as a dumb blond, gives you choices and confidence*”.

Mr Holland confirmed during his meetings that he did refer to Pupil I as a “dumb blonde” within the context of the statement as set out above. Therefore, the panel found this allegation proven.

**2. On or around 13 December 2022, you did not safeguard Pupil J in that you asked Pupil J in front of her class why her picture was not on her school profile when you knew, or ought to have known, this was due to safeguarding concerns.**

Mr Holland admitted this allegation in that he asked Pupil J why she did not have a picture on her school profile during class registration. The panel had the opportunity to review the email in relation to the safeguarding protocols for Pupil J and has concluded whilst it was insensitive and inappropriate to ask Pupil J about her picture, it did not breach the specific requirements set out in the email. Therefore, the panel concluded that this allegation is not proven.

**3. Your comments at 1f) – 1g) were sexually motivated and/or of a sexual nature.**

The panel has found allegation 1f proven. For the avoidance of doubt, the panel did not consider this allegation in respect of allegation 1g, which was not found proven.

The element of allegation 1f that was found proven was Mr Holland calling Pupil F “Jaws.” There was not sufficient evidence produced that calling Pupil F “Jaws” was sexually motivated and/or of a sexual nature. Therefore, the panel found this allegation not proven.

**4. Your comments at 1h) – 1j) were racially motivated.**

The panel has found allegations 1h and 1i proven. For the avoidance of doubt, the panel did not consider this allegation in respect of allegation 1j, which was not found proven.

The panel considered whether the comments made by Mr Holland were racially motivated. The panel concluded that the comments were not racially motivated but were likely to be religiously insensitive. Therefore, the panel concluded that this allegation is 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”.

### **Unacceptable Professional Conduct**

The panel considered the conduct of Mr Holland was insensitive and inappropriate and fell short of the standards of behaviour expected of a teacher. For the allegations found proven, Mr Holland did not have regard for the Teachers’ Standards however, this did not meet the threshold for serious misconduct and therefore for unacceptable professional conduct.

Whilst the panel acknowledged that Mr Holland’s behaviour fell short of the standards of behaviour, it did not feel it was significantly so.

The panel also considered whether Mr Holland’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

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

Accordingly, the panel was not satisfied that Mr Holland was guilty of unacceptable professional conduct.

### **Conduct That May Bring The Profession Into Disrepute**

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

The panel also considered whether Mr Holland's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

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

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The panel acknowledged that Mr Holland's conduct, as found proven in a number of allegations, was not consistent with behaving as an appropriate role model to students. The panel heard that Mr Holland's actions lead to complaints from parents and pupils. The panel concluded that some of the comments that Mr Holland made were inappropriate, disrespectful and not the expected standard of behaviour for a teacher.

The panel considered that Mr Holland's conduct in making offensive comments to pupils could potentially damage the public's perception of a teacher. The panel therefore found that Mr Holland's actions constituted conduct that may bring the profession into disrepute.

The panel therefore found that Mr Holland's actions constituted conduct that may bring the profession into disrepute for allegations 1a, 1d, 1e, 1h, and 1i.

For the avoidance of doubt, the panel has not found Mr Holland's actions constituted conduct that may bring the profession into disrepute for allegations 1b, 1c, 1f, and 1k.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Holland and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a 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 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 the light of the panel's findings against Mr Holland, stated in full above, there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and/or his contribution to the profession.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. The panel did not find any of these factors relevant to Mr Holland.

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

In the light of the panel's findings the panel accepted that Mr Holland's actions were not deliberate in that he did not intend to be malicious or unkind to pupils. The panel concluded that Mr Holland misjudged the content of the conversations he was having as a way to build a rapport with pupils.

There was no evidence to suggest that Mr Holland was acting under extreme duress, for example from a physical threat or significant intimidation.

The panel understands that Mr Holland did have a previously good history within teaching profession.

The panel considered the good character evidence provided within the bundle in the form of an email from Individual A. On review of the email, the panel noted that Individual A was not aware of the allegations against Mr Holland. This email states that he has known Mr Holland professionally, a colleague and as a friend for almost 15 years. The email does not note where Individual A met Mr Holland or where they were professionally working together. The document notes:

*“Mark is a thoroughly professional teacher with an ability to captivate and inspire with his skills in communicating complex mathematical ideas to learners at all levels. Mark takes the time to adapt his teaching to the needs of learners by grounding his practice in extensive research around and in the subjects of his*

*lessons. He makes learning fun and relevant and uses an extensive repertoire of techniques to engage his learners. He has an ability to connect abstract mathematical ideas to concrete activities and continually seeks ways to make the abstract relevant and entertaining as well as useful and empowering.”*

The panel considered the comments from Individual A in its decision.

The panel heard throughout the hearing that Mr Holland would adjust the manner in which he engaged pupils and would not be as open or social with pupils again.

The panel heard and saw evidence that Mr Holland felt remorse for particular allegations and the impact of his actions. For the admitted allegations he willingly apologised. Mr Holland continued to dispute the remaining allegations.

### **Proportionality**

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## **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 sanction.

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 in respect of allegations 1a, 1d, 1e, 1h, and 1i only, that those proven facts amount to conduct that may bring the profession into disrepute.

In this case, the panel has found some of the allegations not proven, and found that all proven allegations do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Mark Holland should not be the subject of a prohibition order. The panel has recommended that the finding of conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

I have considered the panels comments related to the Teachers' Standards, particularly that "The panel considered the conduct of Mr Holland was insensitive and inappropriate and fell short of the standards of behaviour expected of a teacher. For the allegations found proven, Mr Holland did not have regard for the Teachers' Standards however, this did not meet the threshold for serious misconduct and therefore for unacceptable professional conduct."

The panel finds that whilst the conduct of Mr Holland fell short of the standards expected of the profession, it did not feel it was significantly so.

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 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 Holland, 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 pupils. The panel has observed, "The panel acknowledged that Mr Holland's conduct, as found proven in a number of allegations, was not consistent with behaving as an appropriate role model to students. The panel heard that Mr Holland's actions lead to complaints from parents and pupils. The panel concluded that some of the comments that Mr Holland made were inappropriate, disrespectful and not the expected standard of behaviour for a teacher." 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 or remorse, which the panel sets out as follows, "The panel heard throughout the hearing that Mr Holland would adjust the manner in which he engaged pupils and would not be as open or social with pupils again." I have therefore given this element 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 panel considered that Mr Holland's conduct in making offensive comments to pupils could potentially damage the public's perception of a teacher."

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 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 Holland himself and the panel comment “The panel understands that Mr Holland did have a previously good history within teaching profession. The panel considered the good character evidence provided within the bundle in the form of an email from Individual A.”

A prohibition order would prevent Mr Holland 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 insight or remorse. The panel has said, “The panel heard and saw evidence that Mr Holland felt remorse for particular allegations and the impact of his actions. For the admitted allegations he willingly apologised. Mr Holland continued to dispute the remaining allegations.”

I have also placed considerable weight on the finding of the panel that “In the light of the panel’s findings against Mr Holland, stated in full above, there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and/or his contribution to the profession.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Holland has made to the profession.

In reaching my decision I have given considerable weight to the following “the panel accepted that Mr Holland’s actions were not deliberate in that he did not intend to be malicious or unkind to pupils. The panel concluded that Mr Holland misjudged the content of the conversations he was having as a way to build a rapport with pupils. “

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



A handwritten signature in black ink, appearing to read 'SABuxcey'.

**Decision maker: Sarah Buxcey**

**Date: 10 March 2025**

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