



National College for  
Teaching & Leadership

# **Mohammed Rashid: Professional conduct panel outcome**

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

**September 2016**

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

**Teacher:** Mr Mohammed Rashid

**Teacher ref number:** 0654051

**Teacher date of birth:** 3 March 1983

**NCTL case reference:** 12560

**Date of determination:** 13 September 2016

**Former employer:** Hanson School, Bradford

## **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 13 September 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Mohammed Rashid.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Ms Ruth Winterson (teacher panellist) and Ms Catherine Boyd (lay panellist).

The legal adviser to the panel was Mr Peter Shervington of Eversheds LLP, Solicitors.

The presenting officer for the National College was Mr Christopher Geering of Counsel.

Mr Rashid was not present and was not represented.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 7 March 2016

It was alleged that Mr Rashid was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while employed at Hanson School (now Hanson Academy), Bradford ("the School"):

1. Between September 2008 and January 2011 in relation to Pupil A, he:
  - a. Said to Pupil A:
    - i. in reference to a gash in his hand, "that brings a whole new meaning to hand job doesn't it, Pupil A", or words to that effect,
    - ii. On one or more occasions commented on / referred to Pupil A's breast(s) and / or bra,
    - iii. Offered Pupil A money to show him her breasts,
    - iv. Asked Pupil A if she had a bruise or a bite on her breast;
    - v. Asked Pupil A to remove a scarf which was covering her bruise and / or said "I'll move your scarf and have a look for myself", or words to that effect,
  - b. On one or more occasions discussed or attempted to discuss Pupil A's sex life with her;
  - c. On one or more occasions asked Pupil A to expose parts of her body to show him her:
    - i. operation scars,
    - ii. tattoo(s),
  - d. On one or more occasions whilst conducting a class touched or attempted to touch Pupil A's breast(s) and / or thigh(s);
  - e. On one or more occasions gave Pupil A a hug;
  - f. Signed Pupil A's t-shirt on the breast whilst she was wearing it;
  - g. At the school prom:
    - i. put his hand just above Pupil A's lower back and / or bottom,
    - ii. commented that he could see her breasts;
2. Between 2011 and 2012, in relation to Pupil B, he:
  - a. Said to Pupil B:
    - i. "you've got big boobs haven't you", or words to that effect,
    - ii. referring to touching Pupil B's breasts, said "what would you do if my hands would happen to slip", or words to that effect,
    - iii. Referring to Pupil B's breasts, said, "they are big, aren't they", or words to that effect,
    - iv. "I hope you are not texting dirty messages... it's not fair I haven't got no dirty messages", or words to that effect,
    - v. "I want you to take a few topless photos and I want you to show me the phone tomorrow and I'll give you a pass on your GCSE", or words to that effect,
    - vi. "Are you hot in that top", or words to that effect,
  - b. Touched Pupil B's breast(s) in his office,
  - c. Told Pupil B not to tell anyone that he had touched her breast(s), on one or more occasion,
  - d. Offered to hug Pupil B,

3. On one or more occasions said to pupils in his class:
  - a. "I got laid last night", or words to that effect,
  - b. In reference to a female teacher, "If only I had her over this table," or words to that effect,
  - c. In reference to his girlfriend, said "she sent me some right naughty pics" or words to that effect,
  - d. "Would you have sex in the snow?", or words to that effect,
  - e. "Your mum is fit, I'd love to shag your mum", or words to that effect,
  - f. "I shagged your mum last night," or words to that effect,
  - g. When asked whether the person he had sex with was a pupil he said "that would be telling" or words to that effect;
4. His actions set out at 1, 2 and / or 3 above were:
  - a. Inappropriate
  - b. Sexually explicit;
5. In respect of charges 1 and / or 2 his actions were sexually motivated.

It was noted that, on the basis of Mr Rashid's statement at page 203 of the bundle, there appeared to be an admission in relation to Allegation 3(f), a partial admission in relation to Allegation 4(a) (although in relation to what aspects of behaviour was unclear, and an admission of Allegation 4(b) as far as it related to Allegation 3(f). In all other respects Mr Rashid was taken to have denied the allegations.

In his absence Mr Rashid was taken to have denied that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

The panel considered an application from Mr Geering to proceed in the absence of Mr Rashid.

After hearing submissions from Mr Geering and receiving guidance from its legal advisor, the chair read the following decision:

1. The panel has considered whether this hearing should continue in the absence of the applicant.
2. The panel is satisfied that the National College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").
3. The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teaching Misconduct Disciplinary Procedures (the "Procedures").

4. The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.
5. The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.
6. In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. In the present case:
  - i. Mr Rashid has stated clearly in a note at page 204 of the bundle that he does not intend to attend the hearing;
  - ii. In an email at page 198 of the bundle he has reiterated that he will not attend, stated that the hearing should proceed in his absence and asked that his written submissions should be considered at the hearing.

In view of these clear statements the panel therefore considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

7. The panel has had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in the teacher attending the hearing.
8. The panel has had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. In this case:
  - The panel has the benefit of written representations made by the teacher and is able to ascertain the lines of defence.
  - The panel has noted that many witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence.
  - The panel is satisfied that, should any gaps arise in the documentary evidence during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned

for such documents to become available and in considering whether the presenting officer has discharged the burden of proof.

- The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

9. The panel also notes that there are 6 witnesses attending, including 2 former pupils, one of whom is already present in the building. The panel considers that it would be inconvenient and distressing for them to return again.
10. The panel has had regard to the seriousness of this case, and the potential consequences for the teacher, and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of his right to appear, by taking such measures referred to above to address that unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list	pages 2 to 4
Section 2: Notice of Proceedings and response	pages 6 to 9
Section 3: NCTL Witness Statements	pages 11 to 31
Section 4: NCTL Documents	pages 33 to 193
Section 5: Teacher Documents	pages 195 to 209

In addition, the panel agreed to accept notes from the police interview of Mr Rashid, with certain elements not relevant to the proceedings redacted. The panel was informed by Mr Geering that Mr Rashid had been told of the intention to adduce this document, and had not raised any objection, albeit he had made certain observations as regards aspects of the transcript which were redacted from the version provided to the panel.

The notes were added as Section 6 of the bundle (pages 1-19).

During the course of her evidence Pupil B drew plans of the library and Mr Rashid's office. These were added as pages 210 and 211 respectively.

The panel members confirmed that they had read all of the documents in advance of the hearing. Upon accepting the above notes into the hearing bundle the panel adjourned to read the same and confirmed that it had done so upon resuming the hearing.

## **Witnesses**

The panel heard oral evidence from the following witnesses for the National College:

Pupil A                      A former pupil at the School

Pupil B                      A former pupil at the School

Witness A

Witness B

Witness C

Witness D

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Rashid had been employed at Hanson School Bradford ('the School') since September 2004 as a teacher. It was alleged that between September 2008 and January 2011 in relation to Pupil A, he said to Pupil A, in reference to a gash in his hand, "that brings a whole new meaning to hand job doesn't it, Pupil A", or words to that effect. It was alleged that on one or more occasions he commented on / referred to Pupil A's breast(s) and / or bra, that he offered Pupil A money to show him her breasts, and that he asked Pupil A if she had a bruise or a bite on her breast, that he asked Pupil A to remove a scarf which was covering her bruise and / or said "I'll move your scarf and have a look for myself", or words to that effect. It was alleged that on one or more occasions he discussed or attempted to discuss Pupil A's sex life with her. It was alleged that he asked Pupil A to expose parts of her body, that on one or more occasions whilst conducting a class he touched or attempted to touch Pupil A's breast(s) and / or thigh(s), that on one or more occasions he gave Pupil A a hug, that he signed Pupil A's t-shirt on the breast whilst she was wearing it, and that, at the school prom, he put his hand just above Pupil A's lower back and / or bottom, and that he commented that he could see her breasts.



Further allegations were made regarding Pupil B. It was alleged that, between 2011 and 2012, he said to Pupil B “you’ve got big boobs haven’t you”, or words to that effect, and referring to touching Pupil B’s breasts, said “what would you do if my hands would happen to slip”, or words to that effect. It was said that, referring to Pupil B’s breasts, he said, “they are big, aren’t they”, or words to that effect. It was alleged that he said to her “I hope you are not texting dirty messages... it’s not fair I haven’t got no dirty messages”, or words to that effect, “I want you to take a few topless photos and I want you to show me the phone tomorrow and I’ll give you a pass on your GCSE”, or words to that effect, and “Are you hot in that top”, or words to that effect. It was alleged that Mr Rashid touched Pupil B’s breast(s) in his office, told Pupil B not to tell anyone that he had touched her breast(s), on one or more occasions, and offered to hug Pupil B.

It was alleged that all of the aforementioned conduct was sexually motivated.

It was alleged that, on one or more occasions he said to pupils in his class: “I got laid last night, or words to that effect. In reference to a female teacher, “If only I had her over this table,” or words to that effect, and, in reference to his girlfriend, said “she sent me some right naughty pics” or words to that effect. It was alleged that he also said “Would you have sex in the snow?”, or words to that effect, “Your mum is fit, I’d love to shag your mum”, or words to that effect, “I shagged your mum last night,” or words to that effect, and when asked whether the person he had sex with was a pupil, that he said “that would be telling” or words to that effect.

It was alleged that all of Mr Rashid’s alleged actions were inappropriate and sexually explicit.

## Findings of fact

The panel’s findings of fact are as follows:

### **1. Between September 2008 and January 2011 in relation to Pupil A, you:**

#### **a. Said to Pupil A:**

- i. in reference to a gash in your hand, “that brings a whole new meaning to hand job doesn’t it, Pupil A”, or words to that effect,**

This incident is referred to at paragraph 7 of Pupil A’s statement at page 12. There was also a handwritten statement from page 33 and a statement to the police from page 44.

In her handwritten statement at page 34 she stated “he said ‘say if I had a gash on my hand’ and because everybody in the class knew what he was like with me turned around

and laughed, he then whispered to me 'bring a whole new meaning to the word hand job don't it and nudged me'".

In his statement at page 200 of the bundle, Mr Rashid stated that he admits that the comment was made. He stated that it was said in a classroom environment, and that the words actually used were 'who needs a wife'. He stated that he had said this after the whole class had 'erupted in laughter when discussing accidents' and that he had been referring to the fact that he had a gash on his hand. Mr Rashid said that other members of staff were present and that it was explained to him that gash was a slang term for vagina.

The panel considered the account given by Pupil A, and Mr Rashid's explanation of events. The panel accepts that this incident occurred in a classroom environment with other pupils present. The panel considers that Mr Rashid did make a comment, using the alleged words or words to the same effect, and that his comment was directed towards Pupil A, albeit it may have been intended for the benefit of the whole class. Accordingly, the panel has found Allegation 1(a)(i) proved on the balance of probabilities.

**ii. On one or more occasions commented on / referred to Pupil A's breast(s) and / or bra,**

Pupil A stated at paragraph 9 of her statement on page 12 that Mr Rashid made 'several references to being able to see my bra.' Pupil A stated that she had a neon pink bra on but she wore a vest over the top between it and her shirt. She stated that he made a comment about the bra distracting him.

Asked about this in oral evidence, Pupil A said that Mr Rashid had never said that she was dressed inappropriately, but that he did say that her clothing was a distraction.

Both Witness B (from whom the panel heard oral evidence) and Individual A (in a statement at page 112) made reference to Pupil A's clothing. Witness B stated that Pupil A would often wear a low cut top which showed her cleavage and Witness B would tell her to cover up. Individual A also referred to saying 'cover your boobs up' (page 112). Taken to a reference by Individual A in a statement at page 112 that Pupil A 'used to wear things that were not appropriate for school what so ever', Pupil A stated that she wore a school uniform and that she might not have had her top button done up but that she was not dressed improperly. She later accepted that, once she reached the sixth form, she had not worn school uniform (and nor had other sixth formers), but insisted that she had dressed appropriately nevertheless.

Mr Rashid, for his part stated that he had said on a number of occasions Pupil A was dressed inappropriately, and that he asked her to dress more suitably, as the School

policy was to dress in business attire. There was further confirmation from the statement of Individual B at page 136 that Pupil A ‘dressed provocatively’.

Having considered the evidence carefully, the panel is persuaded that there were concerns amongst Mr Rashid and other members of staff regarding Pupil A’s choice of dress. The panel is satisfied that Mr Rashid, along with other members of staff made comments about Pupil A’s inappropriate dress. The panel is further satisfied that he is more likely than not to have used the word ‘bra’ – not least since the evidence suggests that this was the piece of clothing which gave rise to concern. The panel will return to consider the question as to whether this amounted to unacceptable professional conduct or conduct that may lead the profession into disrepute.

In view of the above, the allegation is found proven as regards the use of the word ‘bra’. However, in light of the findings which will follow regarding the remainder of the allegations in relation to Pupil A, the panel is not persuaded on the balance of probabilities that Mr Rashid ever commented on or referred to Pupil A’s breasts.

- iii. Offered Pupil A money to show you her breasts,**
- iv. Asked Pupil A if she had a bruise or a bite on her breast;**
- v. Asked Pupil A to remove a scarf which was covering her bruise and / or said “I’ll move your scarf and have a look for myself”, or words to that effect,**

These were understood to relate to the same incident.

Pupil A stated (paragraph 15) that Mr Rashid asked her to stay behind after a lesson and offered her money to take her scarf off and pull her top down. Another variation of the account is given in her handwritten statement at page 33 of the bundle, in which she stated that he moved her scarf after he stated ‘if that pen in your hand touches me then I’ll move your scarf’.

In oral evidence, Pupil A said that Mr Rashid had kept her behind after school to do extra work whilst she was in sixth form. Whilst she added in oral evidence that, when the cleaners left, he turned the light off and locked the door, she was unable to explain clearly why these details had not been included in her witness statement or (on the basis of the material presented to the panel) in any other accounts provided much closer to the time when the events are alleged to have occurred.

Pupil A stated in oral evidence that she had earlier refused to take her scarf off when asked by another teacher, because she was bruised after a car accident. She stated that

Mr Rashid had said 'can you take the scarf off and pull your top down' and offered her five pounds. She stated that she had responded with words to the effect of 'a fiver wouldn't give you a packet of cigarettes', at which he offered her ten.

Mr Rashid strenuously denied the allegation. He queried why a student would have continued seeking him out for help after such an encounter, and why no-one else was said to have heard what happened.

The panel were concerned at the variations between the accounts given by Pupil A: for example, no mention of an offer of payment is made in her statement at page 33 in the bundle, no mention was made of the reference to a pen in her police interview at page 48, and, as indicated, she had not mentioned the door being locked prior to her evidence before the panel. Furthermore, the panel also noted a statement by Individual C (page 120) that Pupil A and her mother had at one stage told him 'it was all made up' and that she wanted to take the accusations back. Overall, having considered her oral and written evidence in the round the panel were not satisfied as to the credibility of Pupil A's account in relation to this incident. Given the passage of time and the inconsistencies in the accounts provided, the panel were not satisfied these allegations had been proved on the balance of probabilities.

**b. On one or more occasions discussed or attempted to discuss Pupil A's sex life with her;**

This was referred to in Pupil A's police interview at page 45, where she stated that 'Mr Rashid would ask me about my sex life and what I had done sexually. I told him to 'Shut up' and I laughed it off'. No mention of the issue, however, was made in her statement to the NCTL. She stated in oral evidence that she had asked for certain elements to be removed from her NCTL statement because she could not now remember them. She stated to the panel that she recalled discussions with the class generally, but that her sex life was never discussed.

Mr Rashid's account (page 200) was that he recalled listening to Pupil A talk about her personal problems whilst he was marking books or planning lessons. He was clear, however, that she was there to work and not talk about her personal life. He stated that the alleged conduct 'simply did not happen'.

Having considered the evidence carefully, the panel was concerned about the inconsistent recollections of Pupil A. In view of the statement by Pupil A in oral evidence that her sex life was not discussed, and given the evidence of Individual C that she had at one stage retracted her allegations, the panel was not satisfied on the basis of the evidence presented that the burden of proof had been discharged. The panel has therefore found this allegation not proved.

- c. On one or more occasions asked Pupil A to expose parts of her body to show you her:**
  - i. operation scars,**
  - ii. tattoo(s),**

In her police statement at page p46, Pupil A alleged that Mr Rashid had asked to see her scars from an operation and a tattoo on her stomach. Asked in oral evidence, she said that she no longer recalled this properly and so had asked for it to be taken out of her NCTL statement. She said that she had undergone a number of operations on her back so the subject of her scars came up in general discussion with the class, but she could not remember him asking her to expose herself. Furthermore, she stated that she never had a problem showing her back and that her class 'were all friends'.

Mr Rashid's account of the events, at page 201 of the bundle, is that, during lessons about how the body recovers from injury, Pupil A had told the story of a serious operation. The students were engaged in the story and she lifted her shirt to show various scars. Mr Rashid gave a similar account of a group discussion regarding tattoos.

When Pupil A was taken to Mr Rashid's explanation at Page 201, she accepted that the events he described may have happened. She appeared unclear as to whether Mr Rashid had in fact asked her to show her scars, or whether it simply came up in the context of a group discussion.

Having considered the evidence, the panel concludes that Pupil A voluntarily showed her scars and tattoos in the context of a discussion with the whole class to which they were relevant. The panel is not satisfied that Pupil A's actions have been shown to have been prompted by a request by Mr Rashid. The allegation is found not proved.

- d. On one or more occasions whilst conducting a class touched or attempted to touch Pupil A's breast(s) and / or thigh(s);**

Pupil A stated at paragraph 5 of her statement on page 11 of the bundle that Mr Rashid would lean over her and 'he would brush past my breasts with his forearm and hand. I think it was a deliberate brush because it happened often'.

At paragraph 8 she stated that when he was sitting next to her, Mr Rashid leant down to 'itch his leg' and the side of his hand would touch her thigh. She stated that he would brush against either her breasts or thigh 'in most lessons'. When questioned about this,

she said that she could not remember the frequency in detail, as it was six years ago, but she thought it would happen several times a week. Pupil A said that when it happened, Mr Rashid would apologise and say he had not meant to touch her, but she thought that this was said jokingly.

Mr Rashid, for his part, denied the allegation and stated that the students in the class would have noticed any inappropriate behaviour, and that another member of staff would always have been present (although Pupil A's evidence was that whilst there was sometimes another member of staff, this was not always the case).

The panel was concerned about the inconsistencies in Pupil A's account, and her varied recollection as to the frequency of the alleged incidents. This led the panel to have significant doubts as to the credibility of her account as a whole in relation to this allegation. Ultimately, the panel found the allegation not proved on the balance of probabilities.

**e. On one or more occasions gave Pupil A a hug;**

In her handwritten statement at page 34 of the bundle Pupil A stated that 'at the end of the day about half four when I was leaving he gave me a big hug'. There was information in other witness statements given to the School's investigation that Mr Rashid was a tactile person.

Mr Rashid accepted that he had hugged Pupil A on 2 occasions, but denied that this had been inappropriate. He said that the first occasion was on the last day of school for Pupil A's cohort, and the second was at the school prom. He stated that on both occasions he had hugged many students, both male and female.

Taking into account the concerns identified above regarding Pupil A's credibility, the panel preferred the account of Mr Rashid as to the context of the hugs. Nevertheless, the factual allegation is that Mr Rashid hugged Pupil A and as such the allegation is found proved.

**f. Signed Pupil A's t-shirt on the breast whilst she was wearing it;**

In her statement at page 12 of the bundle, Pupil A states that at the end of the year her classmates signed her shirt, and Mr Rashid signed her shirt on the right breast whilst she was wearing it.

Mr Rashid stated that he did not recollect signing the shirt. He questioned why no evidence was brought forward from other pupils to corroborate the account of Pupil A, and why the shirt had not been produced at any stage in the various investigations.

Taking into account the concerns identified above regarding the credibility of Pupil A's evidence generally, and having considered all the evidence in the round, the panel did not consider that this allegation was proved on the balance of probabilities.

**g. At the school prom:**

**i. put your hand just above Pupil A's lower back and / or bottom,**

Pupil A stated that she had a photograph taken with Mr Rashid at the school prom. She stated that he put his hand on the middle of her back, just above her bottom, when the photograph was being taken. She stated that she felt uncomfortable. She gave a similar account to the police (page 47), although in her handwritten statement she described that his hand was on her lower back and that 'he then moved it down'. In her oral evidence, Pupil A demonstrated the position of the hand, which she indicated was placed on the small of her back, and not on her bottom.

Mr Rashid did not dispute that his hand was on Pupil A's back, but he denied that it was on her lower back or bottom. He stated that Pupil A had sought him out to ask for a picture with him.

Having considered the evidence available, and in particular Pupil A's own demonstration of where the hand was positioned, the panel is satisfied that Mr Rashid put his hand on Pupil A's back, but not on her bottom. The allegation is therefore found proved as regards the placing of Mr Rashid's hand on Pupil A's back only.

**ii. commented that you could see her breasts;**

Pupil A stated that, whilst at the school prom, Mr Rashid made a comment that 'when I was on the stage leaning over talking to him, all he could see was my boobs and he said he did not know where to look'.

Mr Rashid stated (page 201) that he did not recall commenting on Pupil A's breasts. Indeed, Pupil A made no mention of it in her interview with the police.

In view of the passage of time, and the inconsistency in the accounts given by Pupil A, the panel were unable to establish with confidence that the incident occurred at all.



Having considered the evidence carefully, the panel finds the allegation not proved on the balance of probabilities.

**2. Between 2011 and 2012, in relation to Pupil B, you:**

**a. Said to Pupil B:**

- i. “you’ve got big boobs haven’t you”, or words to that effect**
- ii. referring to touching Pupil B’s breasts, said “what would you do if my hands would happen to slip”, or words to that effect,**
- iii. Referring to Pupil B’s breasts, said, “they are big, aren’t they”, or words to that effect,**

These statements were all said to have been made in the same context, in Mr Rashid’s office. The panel has considered each carefully. For the purposes of the decision the panel deals with them together.

Pupil B stated in her police interview at page 70 that she had entered Mr Rashid’s office after he gave her permission to charge her phone there. She claimed all of the statements contained in the allegations were made whilst she was alone in the room with Mr Rashid.

Mr Rashid strenuously denied the allegations. Mr Rashid’s account of the time spent by Pupil B in his office can be found at pages 173 onwards. In short, he stated that Pupil B had asked to charge her phone in his office. He had agreed, and later she asked him if he could unlock the office door so she could recover her phone. He stated that she went into his office and sat on his chair. He stated that he stood by the door whilst they spoke. He stated that he was always in full view of others, who would have been able to hear any comments he made. He said that there were at least 8 individuals outside the office, within ear shot.

Pupil B accepted in her oral evidence that she was in sight of the rest of the library, that the door was open, and that other pupils and teachers were present in the library and could have seen them. This appeared to suggest to the panel that, had the alleged comments been made, it would more likely than not have been heard by others in the vicinity.

The panel considered the evidence carefully. Whilst Pupil B’s account was clear, the panel did not consider that it was sufficiently credible in isolation to make a finding against Mr Rashid. The panel considered Mr Rashid’s account a plausible explanation of events, and, significantly, the panel did not have the benefit of hearing directly from



others who might have been in the vicinity at the time. Indeed, the School investigation in 2012 did not include interviews with individuals identified by Mr Rashid as having been present. After careful analysis of the material before it, the panel is not satisfied that there was sufficient evidence for the allegations to be found proved on the balance of probabilities.

Allegations 2(a) (i)-(iii) are found not proved.

**iv. “I hope you are not texting dirty messages... it’s not fair I haven’t got no dirty messages”, or words to that effect,**

Pupil B’s evidence was that this happened on a different context to the events described in the preceding allegations, although she thought that it was on the same day.

Pupil B stated that Mr Rashid was escorting her down to the canteen. Mr Rashid and Pupil B both indicated that this was normal practice. Pupil B was on her phone texting her boyfriend. She alleged that Mr Rashid said to her ‘I hope you are not texting dirty messages’.

Mr Rashid denied having said anything inappropriate to Pupil B.

Having considered the evidence carefully, in the absence of corroborative evidence to support Pupil B’s account, the panel was not persuaded that the words alleged have been proven on the balance of probabilities to have been spoken.

The panel found this allegation not proved.

**v. “I want you to take a few topless photos and I want you to show me the phone tomorrow and I’ll give you a pass on your GCSE”, or words to that effect,**

Pupil B alleged (page 64) that (apparently shortly after the conversation described at allegation 2(a)(iv)), Mr Rashid had told her ‘I want you to go home I want you to take a few topless photos and I want you to show me the phone tomorrow and I’ll give you a pass on your GCSE’.

This was strenuously denied by Mr Rashid, who stated (page 202) that Pupil B did not understand the way the curriculum worked, and queried how he alone could pass a

GCSE for a student. In his statement at page 188 he describes the allegation as 'absolutely ludicrous' and states 'of course that isn't the case'.

Having considered the available evidence carefully, the panel was not satisfied that the words alleged were spoken. The allegation was found not proved.

**vi. "Are you hot in that top", or words to that effect,**

The evidence for this allegation was found in Pupil B's police interview at page 70 of the bundle. She stated that during a science class Mr Rashid had asked 'are you a bit hot in that top?'. The panel noted that at page 63 of the bundle Pupil B recounted Mr Rashid stating 'if you are a bit warm you could undo some of your buttons if you want and stuff like that'.

Mr Rashid denied the allegation.

The panel has considered the evidence before it. The panel is satisfied that Mr Rashid stated words to the effect of 'are you hot in that top', and therefore that the allegation is proved.

**b. Touched Pupil B's breast(s) in your office,**

This allegation related to the same incident as that considered under Allegation 2(a) (i) and (ii), above.

In her police interview, at page 63, Pupil B stated that she was 'just playing with my phone trying to distract myself from eye contact with him and then he just walked past and grabbed my boob, my right one'. She later stated (page 71) 'he just proper grabbed my boob. Like a handful'. She stated (page 72) that he had his hand on her breast for 'probably forty seconds'. In oral evidence, she stated that as he walked past he leant over and grabbed my right breast 'for a long enough time for me to want to leave instantly'.

The panel has already referred to Mr Rashid's account to the School disciplinary investigation, set out at page 174 of the bundle. He stated that he was standing by the door whilst the two had a conversation. Pupil B accepted in her oral evidence that the door was open. Mr Rashid stated that Pupil B was just going to the office to collect her phone, and that when he came to the door she was sat on his chair. He stated that he was visible to others at all times. He appears to indicate (page 174) that Pupil B then

went back into the classroom and continued working on a paper. He stated that he later told her he was leaving and she came with him (page 175).

Mr Rashid stated that, based on the layout of the room, for him to have walked past her he would have had to walk into a window. He stated that the room was only 2 metres by 3 metres and was stacked with boxes. He stated (page 179) 'there was no way I could walk past her because there wasn't enough space in there'.

For the same reasons identified previously in relation to the office incident, having considered the accounts given by Pupil B and Mr Rashid carefully, the panel is not satisfied that the evidence before it establishes it to have been more likely than not that the alleged incident occurred. The absence of corroborative evidence, and the plausibility of Mr Rashid's account of the incident, were persuasive in leading the panel to that conclusion.

**c. Told Pupil B not to tell anyone that you had touched her breast(s), on one or more occasion,**

In her police interview at page 64, Pupil B stated that, after touching her breast in the office, she went to leave and 'he followed me like halfway around school and then he said [Pupil B], don't tell anybody that I just did that and he said it like what five or six times'. Later on in the same interview, at page 72, she stated 'he walked me down to the gates, and he was like don't tell anyone I did that [Pupil B], he said that you made me feel really embarrassed, he was like I can't believe you made me do that like, he was proper trying to convince me that it was me that said touch my boob'.

Mr Rashid denied having said anything inappropriate (page 202).

In the light of its conclusion in relation to 2(b), and in the absence of corroborative evidence to support Pupil B's account, the panel finds this allegation not proved.

**d. Offered to hug Pupil B,**

In her account on page 72 of the bundle, Pupil B stated that, after the incident described above, her mother had advised her to go in to school to pick up work, but not to hang around. She stated that Mr Rashid followed her out of the library and asked if she would be in the following week. When she responded that she was ill and didn't know, he asked her how ill, and offered her a 'Mr Rashid hug', which she refused.

Mr Rashid, in his statement at page 202, stated that he recalled a hug.

The panel is satisfied that Mr Rashid did offer Pupil B a hug in the context of her visit to the School during a period of absence. The facts of this allegation are therefore found proved.

**3. On one or more occasions said to pupils in your class:**

- a. “I got laid last night”, or words to that effect,**
- b. In reference to a female teacher, “If only I had her over this table,” or words to that effect,**
- c. In reference to your girlfriend, said “she sent me some right naughty pics” or words to that effect**
- d. “Would you have sex in the snow?”, or words to that effect,**
- e “Your mum is fit, I’d love to shag your mum”, or words to that effect,**
- g When asked whether the person you had sex with was a pupil you said “that would be telling” or words to that effect;**

The panel has considered each of these particulars carefully. The panel set their decision on (a) to (e) and (g) together.

The evidence for the use of the phrases in (a) and (b) were found in the police interview of Pupil A in 2012, at page 45 of the bundle. She stated that Mr Rashid ‘would talk about his sex life and would say ‘I got laid last night’, and that, referring to a female teacher, he stated ‘if only I had her over this table’. Mr Rashid denied both allegations and stated that another member of staff would have been present and would have heard the statements if they had been made.

The evidence for (c) was found in the initial handwritten statement of Pupil A, at page 33-34 of the bundle. She stated that Mr Rashid’s girlfriend rang him and when he got off the phone to her he said ‘she sent me some right naughty pics yesterday’. Pupil A said that she had responded ‘that’s disgusting, I didn’t need to know that’. Mr Rashid denied the allegation and stated that he could not have said this because he was not in a relationship at the relevant time.

In relation to (e), again the National College relied principally on the statement of Pupil A at page 45, in which she recalled the alleged words being spoken. Mr Rashid admitted a conversation but denied using these words. He recalled threatening to call a student’s

mother owing to their poor behaviour, and responding to a comment that a student's mother was fit by stating 'all the more reason to ring her then'. The panel did not consider that these words were of the same effect as those alleged. Allegation (d) was also referred to at page 45. Mr Rashid said that he was unable to recall the conversation.

Allegation (g) was again based on the statement of Pupil A at page 46. Mr Rashid denied making the comment (page 203) and stated that another teacher would have been present in the classroom at the time.

The panel noted that Pupil A's statement, about these comments, was made a significant period after her departure from the School. Other than in relation to (c), there was no mention of the comments in her handwritten statement made in 2010, when she was at the School.

The panel heard evidence from a number of witnesses, including Pupil A, Pupil B and Witness A to the effect that Mr Rashid used sexualised banter in conversation with the class. The panel were satisfied that this was the case. The panel was not satisfied, however, that it had sufficient evidence before it to reach a conclusion on the balance of probabilities to conclude that the particular terms identified at 3 a, b, d, e, and g, or words to that effect, were used. These allegations are therefore found not proved.

In relation to allegation 3(c), in view of the fact that this is specifically referred to by Pupil A in her 2010 statement, the panel was satisfied on the balance of probabilities that it had occurred. Allegation 3(c) is therefore found proved.

**f. "I shagged your mum last night," or words to that effect,**

The evidence for the use of this phrase was found in Pupil A's police statement at page 46, where she recalled it being used in response to poor behaviour on the part of a pupil.

Mr Rashid stated in his notes at page 203 that he recalled the conversation. He stated that it was an oversight on his part and that he apologised to the student at the time and accepted that this fell below the standard he set himself as an educator.

In view of Mr Rashid's specific admission the panel were satisfied that this allegation had been proved on the balance of probabilities.

**4. Your actions set out at 1, 2 and / or 3 above were:**

**a. Inappropriate**

The panel considered this allegation only by reference to those allegations found proven.

The panel found Mr Rashid's actions in relation to allegation 1(a)(i) to be inappropriate, in that the language and nature of the references made by Mr Rashid were well outside of what the panel consider acceptable in the school context.

In relation to allegation 1(a)(ii), the panel is satisfied that Mr Rashid's reference to Pupil A's bra was made because of concerns about the appropriateness of her choice of clothing having regard to the School's expectations on dress at that time, and that it was, in this context, appropriate for Mr Rashid to make this comment.

The panel considered that the hug given to a pupil at allegation 1(e) and the offer of a hug at 2(d) were not inappropriate. In the context of a school, whilst teachers should be mindful of the School's policies regarding physical contact with pupils, the panel does not consider that hugging a pupil must necessarily be inappropriate. The panel was persuaded that the context of the hugs found proved at allegation 1(e) was a celebration of the departure of pupils at the School, and that it was appropriate for Mr Rashid to hug pupils in those circumstances. Similarly, in relation to 2(d), the panel considers that Mr Rashid was offering a hug to a pupil who appeared to be upset, and that this was not inappropriate in the context.

The panel considers that Mr Rashid's action in relation to allegation 1(g)(i), namely placing his hand on Pupil A's back, was not inappropriate in the context of a photograph being taken at the School prom.

In relation to allegation 2(a)(vi), the panel did not consider that Mr Rashid's question 'are you hot in that top' was inappropriate, since the panel's view is that it was more likely than not to have been a reference purely to the temperature in the classroom and made out of concern for the welfare of pupils. On the basis of the evidence of Pupil B the panel considers that the comment is likely to have been directed at more than one pupil.

As regards allegations 3(c) and 3(f) the panel considers that the words used were wholly inappropriate things for a teacher to have said in the context of classroom discussions.

In summary, the panel finds allegation 4(a) proved as regards the actions in allegations 1(a)(i), 3(c) and 3(f) only.

**b. Sexually explicit;**

The panel considered that the actions in respect of allegations 1(a)(i), 3(c) and 3(f) were sexually explicit, given the nature and content of the comments made.

For the same reasons set out above in relation to allegation 4(a), the panel did not consider the actions in respect of the remainder of the allegations found proved to be sexually explicit.

Allegation 4(b) is therefore found proved in relation to allegations 1(a)(i), 3(c) and 3(f) only.

**5. In respect of charges 1 and / or 2 your actions were sexually motivated.**

The panel considered carefully whether the actions found proved in relation to allegations 1 and 2 were sexually motivated. Whilst the panel has found that Mr Rashid's actions in relation to allegation 1(a)(i) were sexually explicit, the panel does not consider that the motivation for Mr Rashid's comments was sexual either on the objective grounds or on an assessment of Mr Rashid's subjective intent.

The panel concluded that Mr Rashid's comment regarding Pupil A's bra, referred to at allegation 1(a)(ii), was motivated by concern regarding her inappropriate dress. The panel is satisfied that this was not sexually motivated.

Similarly, the panel did not consider that the hug given to Pupil A, or the offer of a hug to Pupil B (allegations 1(e) and allegation 2(d)) were sexually motivated. We have already set out that we consider them to have been not inappropriate in the specific contexts and we do not consider that any ordinary person would consider his motivation to be sexual, nor that it actually was.

The panel does not consider that the action under allegation 2(a)(vi) was sexually motivated. As indicated above, the panel considers it more likely than not that it was an innocent comment made with reference to the temperature in the classroom.

In summary, allegation 5 is found not proved on the balance of probabilities.

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

At the outset, the panel wishes to make clear that it did not consider that the conduct found proved in relation to allegations 1(a)(ii), 1(e), 1(g)(i), 2(a)(vi) or 2(d) involved any breaches of the Teachers' Standards, or to have been unacceptable professional conduct or conduct that may bring the profession into disrepute.

Having reflected carefully on all the allegations found proved, the panel is satisfied that the conduct of Mr Rashid in relation to allegation 1(a)(i), 3(c), 3(f) and 4, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Rashid 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Rashid fell significantly short of the standards expected of the profession. The words used by Mr Rashid breached the boundaries of behaviour that would be appropriate in student-teacher interaction; risked prejudicing the well-being and dignity of pupils by the example they set; and demonstrated a clear failure to maintain appropriate standards of ethics and behaviour.

The panel has considered whether Mr Rashid's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of Teacher Misconduct: The Prohibition of Teachers ('the Advice'), the Advice and the panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Mr Rashid is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.



The panel considers that the findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Rashid's actions constitute conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In light of the panel's findings against Mr Rashid, which included three instances of inappropriate and sexually explicit remarks made in discussion with pupils, there is a public interest consideration in respect of the protection of pupils. Similarly, the panel considers that public confidence in the profession could be weakened if conduct such as that found against Mr Rashid was not treated seriously when regulating the conduct of the profession.

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

Notwithstanding 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 Rashid.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Rashid. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues – in that the panel considers Mr Rashid to have risked undermining pupils by his example through the use of inappropriate and sexually explicit references

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. There was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that the teacher was acting under duress. Nevertheless, the panel was told by Witness B in her oral evidence that safeguarding procedures and training were lacking at the School at the relevant time. Further, the panel accepts that the teacher did have a previously good history. The evidence of both Pupil A and B, and colleagues of Mr Rashid indicated that he was a great teacher and had particular strengths with pupils who found it difficult to engage with education. The panel also notes that he has shown a degree of remorse in accepting that his behaviour had been inappropriate and that he had let himself and his profession down (page 203 of the bundle).

The panel is not of the view that prohibition is a proportionate or appropriate response. The panel has concluded that the nature and severity of the behaviour is at the less serious end of the possible spectrum. In light of the fact that the panel's findings relate to a small number of specific instances in which Mr Rashid made inappropriate comments, and taking into and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order will not be proportionate or appropriate in this case. The panel considers that its finding of unacceptable professional conduct and conduct that may bring the profession into disrepute is sufficient to ensure that a clear message is sent regarding the inappropriateness of comments such as those made by Mr Rashid in the School context.

## Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations of the panel. I have noted where the panel has found the allegations proven, and the allegations that have not been found proven I have set from my mind. The panel has made findings of unprofessional conduct and conduct that may bring the profession into disrepute.

I have read and acknowledged the panel's wishes, that they want to make clear to me that the panel did not consider that the conduct found proved in relation to allegations 1(a)(ii), 1(e), 1(g)(i), 2(a)(vi) or 2(d) involved any breaches of the Teachers' Standards, or to have been unacceptable professional conduct or conduct that may bring the profession into disrepute.

I have also noted that for all the allegations found proved, the panel is satisfied that the conduct of Mr Rashid in relation to allegation 1(a)(i), 3(c), 3(f) and 4, involved breaches of the Teachers' Standards.

I note the panel has considered the particular public interest considerations set out in the Advice, and having done so has found a number of them to be relevant in this case, namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

I agree with the panel that in light of the panel's findings against Mr Rashid, which included three instances of inappropriate and sexually explicit remarks made in discussion with pupils, there is a public interest consideration in respect of the protection of pupils.

I note that the panel found that Mr Rashid is in breach of the following Teachers' 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I have read the guidance that is published by the Secretary of State and taken that into account. I have also taken into account the need to be proportionate.

I have taken into account the public interest as well as the interests of Mr Rashid.

The panel has noted a number of factors in mitigation. However, there was no evidence that the teacher's actions were not deliberate, nor that Mr Rashid was acting under duress. I note that the panel was told by Witness B in her oral evidence that safeguarding procedures and training were lacking at the School at the relevant time. I note that the panel accepts that the teacher did have a previously good history. The panel also notes that Mr Rashid has shown a degree of remorse in accepting that his behaviour had been inappropriate and that he had let himself and his profession down

I note that the panel, having given careful regard to the public interest, is not of the view that prohibition is a proportionate and appropriate response. The panel has concluded that the nature and severity of the behaviour is at the less serious end of the possible spectrum. I agree with the panel's view.

The panel's findings relate to a small number of specific instances in which Mr Rashid made inappropriate comments. The panel considers that its finding of unacceptable professional conduct and conduct that may bring the profession into disrepute in itself is a sufficiently clear message. This message reinforces the standards expected of teachers, and supports the maintenance of public confidence in the profession.

In conclusion, I agree with the panel's recommendation that prohibition is neither proportionate nor appropriate in this case.

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

**NAME OF DECISION MAKER: Jayne Millions**

**Date: 22 September 2016**

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