



National College for
Teaching & Leadership

Mr Komborero Dauramanzi: Professional conduct panel outcome

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

April 2015

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

Teacher:	Mr Komborero Dauramanzi
Teacher ref no:	1377514
Teacher date of birth:	6 March 1981
NCTL case ref no:	12754
Date of determination:	16 April 2015
Former employer:	Swalcliffe Park School, Banbury

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 16 April 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Komborero Dauramanzi.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Mr Stephen Murfitt of Blake Morgan Solicitors.

The meeting took place in private and the decision was announced in public.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Meeting dated 7 April 2015.

It was alleged that Mr Komborero Dauramanzi was guilty of unacceptable professional conduct in that whilst employed at Swalcliffe Park School Banbury he:

1. Concealed the fact that he had failed to obtain Qualified Teacher Status between September and October 2014 in order to retain his employment and specifically:
 - a. Created a counterfeit e-mail account;
 - b. Sent counterfeit e-mails to his employer giving the impression they had in fact been sent by a Senior Lecturer at the University of Newport;
 - c. Gave the impression that his results were pending when he knew that he had in fact failed.
2. In doing 1 (a) - (c) above he acted dishonestly.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology;

Section 2: Notice of Referral, Response and Notice of Meeting;

Section 3: Statement of Agreed Facts, and Presenting Officer Representations.

Section 4: National College for Teaching and Leadership Documents.

Section 5: Teacher Documents

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

Witnesses

The panel received no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

Mr Dauramanzi accepted an unqualified teaching post at Swalcliffe Park School on or about 4 September 2014 on the understanding that he would be offered a qualified teaching post once he had obtained Qualified Teacher Status (QTS) from the University of Newport. In order to obtain QTS Mr Dauramanzi had to resubmit a failed element of his QTS. He did so on 14 August 2014, but in early September was informed by the University of Newport that his resubmitted work had failed, and therefore he had failed to obtain QTS status. The case is about how Mr Dauramanzi dealt with his employer as to his failure to obtain QTS.

Findings of Fact

The panel's findings of fact are as follows:

The panel has determined that the requirements for a meeting, as set out in Rules 4.83 to Rule 4.91 of the Teacher Disciplinary Procedures, have been satisfied.

Mr Dauramanzi and the presenting officer submitted a Statement of Agreed Facts signed by Mr Dauramanzi on 10 March 2015. Mr Dauramanzi has admitted that at all relevant times he was employed to carry out teaching work at a school in England. He was employed as a General Studies Teacher at Swalcliffe Park School between September and October 2014.

In relation to allegation 1 Mr Dauramanzi has admitted:

- He created a false e-mail account with the intention of using it to send emails that appeared to come from Individual A, a Senior Lecturer at the University of Newport.
- He sent emails to the school from the fake account giving the impression that they were from Individual A's genuine account. The emails included Individual A's and email signature and purported to be from her.
- On 17 October 2014 he sent an email from the fake account to his personal account stating that his work was not due to be assessed until 31 October whereas it had already been assessed as a fail. On 18 October 2014 he forwarded this email to the school to give an impression he was waiting for final marks when he had already failed. In November 2014 he sent a further email giving the

impression that he had been informed of his failure in November 2014 when in fact he knew he had failed in September 2014.

In relation to allegation 2 Mr Dauramanzi has admitted he acted in a dishonest manner having regard to the above matters; he has admitted his motivation was to conceal his failure of QTS from the school so as to avoid losing his job. In a letter dated 10 February 2015 to NCTL Mr Dauramanzi stated the contents of his emails were authentic. However, in the Agreed Statement of Facts he has admitted that he did make material alterations and has, therefore, been dishonest with his regulator in response to these proceedings.

The panel has reminded itself of the test that has to be applied in relation to an allegation of dishonesty. At paragraph 18 of the Agreed Statement of Facts, and by reference to the test set out in the case of *Ghosh*, Mr Dauramanzi admits that his conduct described above would be seen as dishonest by the standards of a reasonable and honest teacher. Furthermore he accepts that by those standards he was dishonest at the time his conduct took place.

Accordingly the panel is satisfied that the facts set out in the Notice of Hearing are proved.

Panel findings as to unacceptable professional conduct

The panel is satisfied that the conduct of Mr Dauramanzi in relation to the facts found proved involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Dauramanzi is in breach of the following Standards:

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.
- Showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Mr Dauramanzi admits that the allegations against him amount to unacceptable professional conduct. The panel is satisfied that the conduct of Mr Dauramanzi fell significantly short of the standards expected of the profession. Mr Dauramanzi acted in a fraudulent and dishonest manner. Teachers are regarded as role models, and influence pupils. The conduct of Mr Dauramanzi placed at risk the reputation of the teaching profession. Accordingly, the panel is satisfied that Mr Dauramanzi is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

The panel has made factual findings as to the allegations set out in the Notice of Hearing and it has been necessary for the Panel 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 a proportionate measure and if 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 a punitive effect.

The panel has considered the public interest, and in particular:

- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

The panel has considered the advice on Teacher Misconduct in relation to the Prohibition of Teachers, and has concluded that the following are relevant:

- Serious departure from the personal and professional conduct elements of the latest Teachers' Standards, as published by, or on behalf of, the Secretary of State;
- Dishonesty especially where it has been repeated or covered up.

The panel has found that the allegations against Mr Dauramanzi involve acts of breach of trust which affect the reputation of the teaching profession. The conduct of Mr Dauramanzi was planned, deliberate and maintained over a period of time. The panel has noted that Mr Dauramanzi having acted in a dishonest manner at the school, then committed further acts of dishonesty in relation to his engagement with his regulator. The acts of dishonesty in relation to his engagement with his regulator do not form any part of the charges against Mr Dauramanzi. The panel has been referred to the Court of Appeal decision in *Moody v General Osteopathic Council (2008)* and has noted that Mr Dauramanzi has, in the Agreed Statement of Facts, accepted the further acts of dishonesty. The principle of fair notice has therefore been observed and accordingly the panel is entitled to take into account the further acts of dishonesty.

The panel considers that public confidence in the profession could be weakened if such conduct as the panel has found proved, were not treated with seriousness when regulating the conduct of the profession. The factual findings against Mr Dauramanzi raise important public interest considerations in declaring proper standards of conduct for the teaching profession. Teachers are at all times role models and are expected to act with integrity.

Notwithstanding the public interest considerations that were present, the panel has to consider carefully whether or not it would be proportionate to impose a prohibition order.

The panel has taken careful note of the mitigating circumstances listed by Mr Dauramanzi at page 28 of the hearing bundle, where he seeks to emphasise that he never pretended to be a qualified teacher and states, 'fundamentally I am an honest person and understand the importance of honesty ... I did in October tell the truth to the school'.

In carrying out the balancing exercise the panel has decided that the public interest considerations outweigh by some margin the interests of Mr Dauramanzi. As acknowledged by Mr Dauramanzi in his email of 10 February 2015, 'I realise that anyone teaching children should themselves be a role model whose honesty can be trusted without question'. Accordingly, a consideration of the public interest requires the panel to make a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has considered whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel has been mindful that the advice given is that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order. The panel recommends to the Secretary of State that Mr Dauramanzi be permitted to apply for a review in three years' time. The reasons for that recommendation are that Mr Dauramanzi may have a future contribution to make to the teaching profession particularly with autistic children. In the event that Mr Dauramanzi is given that opportunity, and takes it, then the panel suggests that he will have to demonstrate to a future panel a greater insight and reflection as to the allegations found proven. Mr Dauramanzi may be assisted by external verification as to those matters he may wish to place before a future panel. Accordingly, the panel recommends to the Secretary of State that Mr Dauramanzi be permitted to seek a review in three years' time.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case.

The panel have found proven all the allegations relating to Mr Dauramanzi concealing the fact that he had not achieved Qualified Status. In doing so the panel has found his actions to be dishonest. The panel have judged Mr Dauramanzi's behaviour to amount to unacceptable professional conduct.

In considering whether a prohibition order would be an appropriate and proportionate sanction the panel have found there to be a strong public interest consideration in upholding and declaring proper standards of conduct. Accordingly the panel have recommended that a prohibition order should be imposed. I agree with that recommendation.

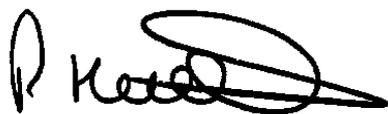
The panel have gone on to consider whether a review period is appropriate. They have concluded that Mr Dauramanzi may still have something to offer to the profession, particularly in the teaching of autistic children. They recommend that a period of three years might be sufficient for him to develop the necessary insight into his past behaviour and to reflect properly upon his actions. I agree with their recommendation.

This means that Mr Komborero Dauramanzi is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 24 April 2018, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Komborero Dauramanzi remains prohibited from teaching indefinitely.

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

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

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

Date: 17 April 2015

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