



National College for
Teaching & Leadership

Miss Rakhi Patel: Professional Conduct Panel outcome

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

August 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Miss Rakhi Patel
Teacher ref no:	1043901
Teacher date of birth:	27 April 1991
NCTL Case ref no:	11102
Date of Determination:	Monday 11 August 2014
Former employer:	Kempsey Primary School, Kempsey, Worcester

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened in private meeting on 11 August 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Miss Rakhi Patel.

The Panel members were Mrs Fiona Tankard (Teacher Panellist – in the Chair), Mr Phillip Riggon (Teacher Panellist) and Ms Nicole Jackson (Lay Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Blake Morgan LLP Solicitors.

The Meeting took place in private and the announced decision was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 31 July 2014.

It was alleged that Miss Patel was guilty of Unacceptable Professional Conduct and Conviction, at any time, of Relevant Criminal Offences, in that:-

1. She had been convicted of the following Relevant Offences:-
 - a. 12 February 2013 she was convicted at South Worcestershire Magistrates' Court of the offence of making false representation to make gain for self and/or another or cause loss to other/expose other to risk. She committed this offence on 23 October 2012;
 - b. On 12 February 2013 she was convicted at South Worcestershire Magistrates' Court of the offence of theft (shoplifting). She committed this offence on 19 October 2012.
2. She was guilty of Unacceptable Professional Conduct in that between April 2013 and July 2013 she failed to disclose her criminal convictions to her employer Kempsey Primary School;
3. Her conduct in relation to allegation 2 was dishonest, in that she intentionally withheld the fact that she had been convicted from Kempsey Primary School until July 2013, knowing or believing that the disclosure of her convictions was likely to affect her continuing employment at the School.

C. Summary of evidence

Documents

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

Section 1	Chronology.	Page 2.
Section 2	Notice of Referral, Response and Notice of Meeting.	Pages 4-8b.
Section 3	Statement of Agreed Facts and Presenting Officer. Representations.	Pages 9-15.
Section 4	National College for Teaching and Leadership Documents	Pages 17-53.
Section 5	Teacher Documents.	Pages 55-58.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

D. Decision and reasons

The Panel announced its decision and reasons as follows:-

“We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

This case concerns allegations of Unacceptable Professional Conduct and Conviction of Relevant Offences as set out in the Statement of Agreed Facts at Pages 9-11 of the case papers. That document summarises the facts of the case as follows:-

1. Miss Patel, born 27 April 1991, was employed as a Year 1 Primary School Teacher at Kempsey Primary School, Ellsdon between 29 April 2013 and 21 November 2013.
2. Miss Patel was employed at Kempsey Primary School (hereafter “the School”) towards the end of April 2013 as cover for a Teacher who went on maternity leave.
3. On 12 February 2013 Miss Patel was convicted of “Making false representation to make gain for self and/or another or cause loss to other/expose other to risk” contrary to Section 2.1(2)(a) and Section 2 of the Fraud Act 2006 and theft contrary to Section 1 of the Theft Act 1968.
4. The conviction for theft relates to an incident on 19 October 2012, when Miss Patel stole a “Hot Picks” lottery ticket which was worth £7,080.00 from a customer of St Paul’s Newsagents where she was working to assist her family who ran the business.
5. The conviction for “making false representation to make gain for self and/or another or cause loss to other/expose other to risk” related to an incident on 23 October 2012, when Miss Patel falsely represented that she was the owner of the “Hot Picks” lottery ticket which she had stolen on 19 October 2012, in order to claim the winnings in the sum of £7,080.00. Miss Patel received £500 in cash and a cheque in the sum of £6,580 as a result of submitting the ticket to Warndon Post Office.
6. Miss Patel admits the facts of the allegation against her and that they amount to conviction, at any time, of Relevant Offences as set out in Rules 2.3 – 2.4 of the Disciplinary Rules for the Regulation of the Teaching Profession which may be defined as convictions of offences that are relevant to a person’s fitness to be a Teacher, either by a British Criminal Court or by an overseas Court if the offences

would constitute criminal offences if committed in England and Wales, in accordance with the guidance set out in The Department of Education Advice Document “The Prohibition of Teachers”.

7. Miss Patel applied for the role of a Year 1 Primary School Teacher at Kempsey Primary School on 6 February 2013. She was appointed to the position and commenced employment at the School on 29 April 2013. By the time Miss Patel commenced her employment, she had been convicted of criminal offences as set out above.
8. Miss Patel did not inform the School of her criminal convictions until 10 July 2013 when she spoke to the Head Teacher, Individual A. Prior to this time, Miss Patel had been asked on more than one occasion to provide documents which the School required in order to complete a CRB Check. Miss Patel accepts that she failed to provide these documents on a number of occasions and that she did so deliberately in order to prevent the School from discovering that she had been convicted of criminal offences. On 10 July 2013, Miss Patel told Individual A that she had delayed producing documents necessary to complete her CRB Form when requested by the School due to a recent conviction for fraud.
9. Miss Patel accepts that reasonable and honest people would regard her conduct as dishonest in respect of allegation 3, in that she deliberately and intentionally withheld the fact that she had been convicted from Kempsey Primary School until July 2013 and delayed producing documents which would have allowed the School to discover the fact of the convictions. Miss Patel accepts that by the standards of reasonable and honest people she knew that her conduct was dishonest.
10. Miss Patel admits the facts of the allegations against her and that they amount to Unacceptable Professional Conduct as set out in Rules 2.3 – 2.4 of the Disciplinary Rules for the Regulation of the Teaching Profession which may be defined as misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a Teacher in accordance with the guidance set out in The Department of Education Advice Document “The Prohibition of Teachers”.

Findings of Fact

Our findings of fact are as follows:-

We have found the following particulars of the allegation against Miss Patel proved, for these reasons:-

1. She has been convicted of the following Relevant Offences:-

- a. 12 February 2013 she was convicted at South Worcestershire Magistrates' Court of the offence of making false representation to make gain for self and/or another or cause loss to other/expose other to risk. She committed this offence on 23 October 2012;
 - b. On 12 February 2013 she was convicted at South Worcestershire Magistrates' Court of the offence of theft (shoplifting). She committed this offence on 19 October 2012.
2. She was guilty of Unacceptable Professional Conduct in that between April 2013 and July 2013 she failed to disclose her criminal convictions to her employer Kempsey Primary School;
3. Her conduct in relation to allegation 2 was dishonest, in that she intentionally withheld the fact that she had been convicted from Kempsey Primary School until July 2013, knowing or believing that the disclosure of her convictions was likely to affect her continuing employment at the School.

And our reasons are that the facts of the allegation are admitted by Miss Patel and there is a Statement of Agreed Facts in the case papers which is signed by her at Page 11. The Agreed Facts are supported by other documents in the case papers including a memorandum of conviction from South Worcestershire Magistrates Court.

Findings as to Unacceptable Professional Conduct and Conviction of a Relevant Offence.

On 12 February 2013 Miss Patel pleaded guilty to offences of theft and making a fraudulent representation as set out above. She was sentenced to a Community Order for a period of twelve months with 180 hours unpaid work and also made the subject of an electronic curfew for a period of six weeks as a separate punishment. These were offences of dishonesty involving a significant amount of money. A conviction of a Relevant Offence is defined as conviction of an offence which is relevant to a person's fitness to be a Teacher. We have no hesitation in concluding that these offences, involving dishonesty, should properly be regarded as offences that are relevant to Miss Patel's fitness to be a Teacher. Her conviction on these matters affects the collective reputation of the profession and the requirement under the Teacher Standards to exhibit high standards of personal and professional conduct. We therefore conclude that this case does constitute conviction of relevant offences.

Thereafter, on an application for a teaching post at Kempsey Primary School Miss Patel failed to inform the School of her convictions and on her own admission accepts that she failed to provide documents which the School required in order to complete a CRB check. On her own admission she did so deliberately in order to prevent the School from discovering that she had been convicted of the offences referred to above. In so doing

Miss Patel accepts again that her conduct was dishonest as she had intentionally withheld the fact of her convictions from her prospective employers. As a consequence she was able to commence work as a Primary School Teacher at Kempsey Primary School. We judge that this conduct constitutes Unacceptable Professional Conduct as defined and that Miss Patel failed to meet the standards of behaviour expected of a Teacher and fell significantly short of so doing. This is therefore a case of both Conviction of Relevant Offences and Unacceptable Professional Conduct.

Panel's recommendation to the Secretary of State

Miss Patel was convicted on her own plea of guilty of serious offences of dishonesty involving the theft of a substantial sum of money. She then failed to disclose the fact of her convictions to her employers despite the fact that her court appearance occurred within one week of submitting her application for the post that she obtained as a Primary School teacher. We also recognise that her offences were deliberate and involved an element of planning. Her offences are exacerbated by her further dishonesty in attempting to conceal her convictions from the school where she was employed.

We have given careful consideration to the letter that Miss Patel has submitted to the National College exhibited at page 55 of the case papers. In it she says that she is "very ashamed of my actions." She says she is "extremely apologetic". She accepts that there is no excuse for her mistakes. We recognise that there is therefore some basis for concluding that the teacher shows some insight into her conduct and remorse. We also take account of the fact that Miss Patel was aged 22 when these events occurred and that she did, belatedly, volunteer the fact of her convictions to the Headteacher (p 42 of the case papers).

Prohibition Orders are made in the public interest which includes the maintenance of public confidence in the profession and upholding proper standards of conduct. We also have to weigh the interests of the teacher against the public interest. We are unanimous in the view that Miss Patel should be prohibited from teaching as her conduct in this case is fundamentally incompatible with being a member of the profession. Dishonest behaviour, such as disclosed in this case, damages the collective reputation of the profession and offends against the personal and professional conduct requirements of the Teachers Standards.

However it is the view of the majority of the Panel that Miss Patel should be allowed the opportunity to apply for the Prohibition Order to be reviewed after a period of three years has elapsed. That period would reflect the fact that Miss Patel was relatively young when these events occurred. She has admitted the facts and indicated her insight and remorse. She had also only just embarked on her teaching career.

The dissenting member of the Panel considers that the offences which Miss Patel admitted were of such gravity that it would be entirely inappropriate to allow her to return to the teaching profession at any time in the future. That view is reinforced by Miss Patel's failure to make a full and timely disclosure to the Primary School where she was later employed as maternity cover. In the circumstances the dissenting member feels it would be proportionate to make no provision for Miss Patel to make a review application and for the Prohibition Order to be indefinite.

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 both in respect of sanction and review period.

This matter is a very serious one in that it does involve a finding of dishonesty as well as convictions of relevant offences.

Miss Patel's offences involved a significant amount of money. These offences, which were dishonest, should be regarded as offences that are relevant to Miss Patel's fitness to be a Teacher. Her conviction on these matters affects the reputation of the profession and Miss Patel failed to exhibit high standards of personal and professional conduct.

In addition, Miss Patel failed to inform her School of her convictions and on her own admission accepts that she failed to provide documents which the School required in order to complete a CRB check. Miss Patel did this deliberately in order to prevent the School from discovering that she had been convicted of the dishonesty offences.

Miss Patel's conduct was dishonest; she intentionally withheld the fact of her convictions from her prospective employers. As a consequence she was able to commence work as a Primary School Teacher at Kempsey Primary School. Miss Patel failed to meet the standards of behaviour expected of a Teacher and fell significantly short of so doing.

In the light of this I support the panel's recommendation that she should be prohibited. In taking this decision I have balanced the public interest with the individual interest of Miss Patel. I have also considered carefully that a prohibition order is proportionate.

I have gone on to consider the matter of a review period. I have taken particular account of the fact that the panel were not unanimous in their recommendation.

All prohibition orders are indefinite. A review period simply allows for a teacher to come before a future panel and evidence that they are now suitable. Without such a successful application a teacher remains prohibited.

I have given very careful consideration to this. On balance, and taking into account the fact that Miss Patel was very young at the time I consider that a 3 year review period as recommended by the panel is proportionate.

Miss Patel will need to show that she has understood clearly the standards expected of a teacher at any future application.

This means that Miss Rakhi Patel is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the Prohibition Order to be set aside, but not until 19 August 2017, 3 years from the date of this order at the earliest. This is not an automatic right to have the Prohibition Order removed. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Miss Rakhi Patel remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Miss Rakhi Patel has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

NAME OF DECISION MAKER: Alan Meyrick

Date: 13 August 2014

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