



National College for
Teaching & Leadership

Mr Kieran Sumanrai Patel: Professional conduct panel outcome

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

June 2016

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

Teacher: Mr Kieran Sumanrai Patel
Teacher ref number: 3382186
Teacher date of birth: 19 May 1988
NCTL case reference: 11923
Date of determination: 28 June 2016
Former employer: Pupil Referral Unit, Cheadle Centre

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 and 28 June 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Kieran Sumanrai Patel.

The panel members were Mr Martin Greenslade (lay panellist – in the chair), Mrs Marion May (teacher panellist) and Mr Michael Lesser (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobsen LLP, solicitors.

Mr Patel was present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 October 2015.

It was alleged that Mr Patel was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst employed at the Pupil Referral Unit, Cheadle Centre, Portland Row, between September to December 2013 he falsified documents and used them to support petty cash claims to the value of £841.00;
2. And in doing so, he acted dishonestly in respect to the conduct described in allegation 1 in that he fraudulently obtained monies to which he was not entitled;
3. Whilst employed at Teesdale School, he made one or more inappropriate remarks whilst teaching a group of students on 1 March 2011 including:
 - a. "I got my mansion by riding old man's cocks" or words to that effect;
 - b. "John Barrowman is a cunt" or words to that effect.
4. He inaccurately recorded on his CV that he was employed at Teesdale School from November 2010 to December 2012 when in fact he was employed from January 2011 to March 2011.
5. And in doing so, he acted dishonestly in respect of the conduct described in allegation 4 in that he sought to mislead potential employers as to his true employment history.

C. Preliminary applications

Application to amend allegations

The presenting officer made an application to amend the allegations to read:

1. have been convicted, at any time, of a relevant criminal offence, in that on or around 2 November 2015 he was convicted at the Crown Court at Newcastle of the offence of Fraud by Abuse of Position, contrary to section 1(2)(c) and 4 of the Fraud Act 2006.
2. are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

- a. whilst employed at Teesdale School, he made one or more inappropriate remarks whilst teaching a group of students on 1 March 2011, such as:
 - (i) "I got my mansion by riding old man's cocks" or words to that effect;
 - (ii) "John Barrowman is a cunt" or words to that effect.
- b. acted dishonestly in that he prepared his CV in a way which was likely to mislead potential employers about his employment history, by implying that he had been employed at Teesdale School for a period or approximately two years, when in fact he was employed there for just over a month.

The presenting officer explained that, since the date of the Notice of Proceedings, Mr Patel was convicted at Newcastle Crown Court of an offence of Fraud by Abuse of Position. This offence was in respect of the actions referred to in paragraphs 1 and 2 of the existing allegations. The presenting officer confirmed that allegation 2(b) is a condensed version of paragraphs 3 and 4 of the existing allegations and does not change the nature of the allegations. Mr Patel confirmed that he had no objection to the proposed amendments and that he admitted that he had been convicted of the offence. After receiving legal advice, the panel agreed to the amendment of the allegations on the basis that the panel was satisfied that the amendments were in the interests of justice and that no unfairness would be caused to Mr Patel.

Application to admit additional documents

The presenting officer made an application to admit a typed version of the amended allegations and a copy of the certificate of conviction from Newcastle Crown Court. Mr Patel did not object to the admission of these documents and the panel agreed to admit them.

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 3

Section 2: Notice of Proceedings and Response – pages 5 to 11

Section 3: Statement of agreed facts – pages 13 to 23

Section 4: Witness statements – pages 25 to 27

Section 5: NCTL documents – pages 29 to 182

Section 6: Teacher documents – pages 184 to 186

The panel added the typed version of the amended allegations and the certificate of conviction to section 4 of the bundle as pages 182A to 182D.

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

Witnesses

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

Witness A, Co-Principal at Teesdale School

Witness B, teacher of theatre studies at Teesdale School.

The panel also heard oral evidence from Mr Kieran Sumanrai Patel.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Kieran Sumanrai Patel was employed on a temporary basis at Teesdale School from 31 January 2011 to 3 March 2011. He was dismissed by the school on 3 March 2011 after it was reported to the school's co-principal that pupils told her that they had heard Mr Patel use the language referred to in allegation 2(a)(i) and (ii).

Mr Patel prepared a CV in which he referred to employment with Keystage Recruitment between November 2010 and December 2012 as 'long term maternity cover – Teesdale School Drama Teacher'. The CV also stated that Mr Patel had worked at this school to cover a period of maternity leave and another member of staff's long term absence.

Between September 2013 and December 2013, Mr Patel was employed at the Pupil Referral Unit, Cheadle Centre, having previously worked on a supply and agency basis. Mr Patel was a teacher of English, literacy co-ordinator and teacher of performing arts at the school. Between September 2013 and December 2013, Mr Patel submitted a number of petty cash claims in relation to musical and recording equipment and theatre tickets, which caused a member of the administrative staff to be concerned. These concerns were raised with the headteacher and Mr Patel was suspended from duty to allow an investigation to be conducted. The matter was subsequently reported to the police and

Mr Patel was charged with an offence of Fraud by Abuse of Position, contrary to section 1(2)(c) and 4 of the Fraud Act 2006. He appeared at the Crown Court at Newcastle on 2 November 2015, when he pleaded guilty. Mr Patel was sentenced to a Community Order of 12 months, 80 hours unpaid work to be carried out before 10 December 2016. He was also ordered to pay compensation of £581 and a victim surcharge of £60.

Findings of fact

The panel's findings of fact are as follows:

It is alleged that you

- 1. have been convicted, at any time, of a relevant criminal offence, in that on or around 2 November 2015 you were convicted at the Crown Court at Newcastle of the offence of Fraud by Abuse of Position, contrary to section 1(2)(c) and 4 of the Fraud Act 2006.**

Mr Patel has admitted this allegation and the panel has also been presented with a copy of the certificate of conviction from Newcastle Crown Court. The panel finds this allegation proved on the basis of Mr Patel's admission and the certificate of conviction.

- 2. are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:**
 - a. whilst employed at Teesdale School, you made one or more inappropriate remarks whilst teaching a group of students on 1 March 2011, such as:**
 - (i) "I got my mansion by riding old man's cocks" or words to that effect;**
 - (ii) "John Barrowman is a cunt" or words to that effect.**

Witness B, teacher of theatre studies, said in her evidence that a year 13 boy, Pupil D, described to her how Mr Patel had been talking about acting and how he knew famous people. Witness B said that Pupil D and another pupil in the same year group, Pupil C, told her that Mr Patel had said to the pupils that he knew John Barrowman and that Mr Patel has said that he was a 'cunt'. The pupils also told her that Mr Patel had said words along the lines of getting his mansion 'by riding old men's cocks.' The panel noted that the evidence of the pupils was hearsay evidence and Mr Patel said that there were pupils in the class that he did not get on with. However, in determining the weight to be attached to the pupil accounts, the panel noted Witness B said that the pupils concerned appeared rather embarrassed about the language and were reluctant to repeat the words used. The panel felt that this fact, the unusual nature of the words alleged to have been used and the consistency between the pupils, made it more likely than not the accounts of the pupils were correct. Furthermore, although he could not recall using such

language, Mr Patel gave evidence that, at that time, he was prone to making inappropriate comments and that it was possible that these words were used by him.

Taking all of the evidence into account, the panel is satisfied that it is more likely than not that Mr Patel used the words in 2(a)(i) and (ii) when teaching a group of pupils and that these remarks were inappropriate because of their sexual content.

Accordingly, the panel finds allegation 2(a)(i) and (ii) proved.

- b. acted dishonestly in that you prepared your CV in a way which was likely to mislead potential employers about your employment history, by implying that you had been employed at Teesdale School for a period or approximately two years, when in fact you were employed there for just over a month.**

The panel is satisfied that the relevant entry in the CV implied that Mr Patel had been employed at Teesdale School for a period of approximately two years, when in fact he had only been employed for just over one month. The panel is satisfied that this was likely to mislead potential employers about his employment history. In coming to this view, the panel noted that the CV said 'Long Term Maternity Cover – Teesdale School Drama Teacher' in bold type under the dates November 2010 to December 2012. Mr Patel said that this section was intended to refer to the total period for which he was working for Keystage Recruitment in a number of schools. However, the panel noted that the only school referred to during this period was Teesdale School and that Mr Patel also included the narrative, 'I worked at this school to cover period of maternity cover and another member of staff's long term absence.' The panel also noted that Mr Patel described himself as 'second in command' for drama and performing arts. Having considered all of the evidence, the panel noted that there were various parts of the CV that were inflated, exaggerated or pumped-up. The panel is satisfied, on the balance of probabilities, that Mr Patel's intention was to mislead potential employers as to the length of time that he worked at Teesdale School and his position within the school. In doing so, the panel finds that his actions were dishonest by the ordinary standards of reasonable and honest members of the teaching profession and, secondly, that Mr Patel must have realised that by those standards his conduct was dishonest.

Accordingly, the panel finds 2(b) proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found allegations 1, 2(a)(i) and (ii) and 2(b) proved, the panel has gone on to consider whether the facts of those proven allegations amount to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Dealing firstly with the conviction in allegation 1, the panel is satisfied that the conduct of Mr Patel in committing the offence involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Patel 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
 - not undermining ...the rule of law...;
- 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.

The panel noted that the offence was relevant to working with children and working in an education setting in that it was his position in the school that Mr Patel abused by his fraudulent actions.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Patel's behaviour in committing the offence could affect the public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

This was an offence involving fraud or serious dishonesty which the Advice states is likely to be considered a relevant offence. The panel also noted that this dishonesty was in relation to the school and the local authority as his employer. The dishonest conduct was sustained over several months and the school and the local authority spent several months investigating various expense claims and receipts which Mr Patel had fabricated.

The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession. Accordingly, the panel finds that the conviction was for a relevant offence.

As to allegations 2(a)(i) and (ii) and 2(b), the panel is satisfied that the conduct of Mr Patel in relation to the facts found proven, involve breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Patel 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;
- 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.

The panel is satisfied that the conduct of Mr Patel fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Patel's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the dishonesty in relation to the CV is relevant. The Advice indicates that where behaviours associated with an offence of dishonesty exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

As to bringing the profession into disrepute, 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 into account 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. Mr Patel has failed to act as a role model, both in his interactions with pupils and potential employers.

Accordingly, the panel finds that Mr Patel's conduct in relation to 2(a)(i) and (ii) and 2(b) amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of a relevant offence, 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 elements and having done so has found a number of them to be relevant in this case, namely 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 Patel, which involved a conviction of a relevant offence, unacceptable professional conduct and conduct that may bring the profession into disrepute, there is a strong public interest consideration.

The panel concludes that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Patel were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding the clear public interest, the panel carefully considered whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Patel.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of and against prohibition as well as the interests of Mr Patel. 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;
- Actions or behaviours that undermine the rule of law;
- A deep-seated attitude that leads to harmful behaviour;
- Abuse of position or trust. The conviction was for an offence involving abuse of Mr Patel's position in the school and the trust placed in him. Mr Patel's conduct in relation to the CV was a further abuse of trust;
- Dishonesty which was sustained and covered up in relation to the criminal offence and repeated in relation to the presentation of Mr Patel's CV;

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.

The panel is satisfied that Mr Patel's actions were deliberate.

There was no evidence to suggest that Mr Patel was acting under duress, and in fact the panel found Mr Patel's actions in relation to the criminal offence and the presentation of the CV to be calculated and motivated.

Mr Patel did have a previously good history in that there were no previous findings against him. The panel also noted that Mr Patel has expressed regret for his actions and said that he has learnt from his previous poor judgements. The panel has not been presented with any recent references for Mr Patel. The panel noted that, since obtaining

qualified teacher status in November 2010, Mr Patel has not obtained any permanent teaching post and has not completed his induction period. The panel felt that, with appropriate support and guidance, Mr Patel might be able to address the professional demands of teaching.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Patel. The repeated dishonesty in two distinct areas was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include fraud or serious dishonesty. The panel has found that Mr Patel has been responsible for dishonesty in the criminal offence for which he was convicted and in the presentation of his CV. The offence involved the careful production of fraudulent receipts and the presentation of these to the school. His actions in relation to the offence and the CV were deceitful, dishonest and showed a disdain towards the practices and policies of the profession and the schools.

Mr Patel has expressed regret, told the panel that he has reflected on his actions and that he is now much more mature. Mr Patel also said in his oral evidence that he has complied with the court order and that he would be prepared to apologise to the schools. However, the panel was unconvinced that Mr Patel has shown complete insight as he maintained that the entries on his CV were mistakes rather than a deliberate intention to mislead. The panel found otherwise and the panel was not convinced that future CVs would truthfully reflect his career to date.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review.

The panel has found that Mr Patel was guilty of a relevant conviction, in that on or around 2 November 2015 he was convicted at the Crown Court at Newcastle of the offence of Fraud by Abuse of Position, contrary to section 1(2)(c) and 4 of the Fraud Act 2006.

The panel also found that Mr Patel made inappropriate remarks whilst teaching and also was dishonest in respect of his CV.

In making these findings the panel found that Mr Patel 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
 - not undermining ...the rule of law...;
- 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.

The panel noted that the offence was relevant to working with children and working in an education setting in that it was his position in the school that Mr Patel abused by his fraudulent actions.

The panel also took into account how the teaching profession is viewed by others. The panel considered that Mr Patel's behaviour in committing the offence could affect the public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

I have considered the findings of the panel and their recommendations with care. I have taken into account the need to balance the public interest with the interest of Mr Patel. I have taken into account the guidance published by the Secretary of State. The behaviours that are relevant in this case are:

- Serious departure from the personal and professional conduct elements of the Teachers' Standards;
- Actions or behaviours that undermine the rule of law;
- A deep-seated attitude that leads to harmful behaviour;
- Abuse of position or trust. The conviction was for an offence involving abuse of Mr Patel's position in the school and the trust placed in him. Mr Patel's conduct in relation to the CV was a further abuse of trust;

- Dishonesty which was sustained and covered up in relation to the criminal offence and repeated in relation to the presentation of Mr Patel's CV.

I have also taken into account the need to be proportionate.

For the reasons given, I support the recommendation of the panel that Mr Patel should be prohibited.

I have also considered carefully the recommendation of the panel in respect of the review period.

The panel are clear that Mr Patel's insight is limited, as he maintained that the entries on his CV were mistakes rather than a deliberate intention to mislead. The panel found otherwise and the panel was not convinced that future CVs would truthfully reflect his career to date.

For these reasons I support the recommendation of the panel that Mr Patel is prohibited with no opportunity for review.

This means that Mr Kieran Patel is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Kieran Patel shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Kieran Patel 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.



Decision maker: Alan Meyrick

Date: 30 June 2016

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