



National College for
Teaching & Leadership

Ms Daljit Uppal: Professional conduct panel outcome

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

April 2017

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

Teacher: Ms Daljit Uppal
Teacher ref number: 9542262
Teacher date of birth: 1 October 1972
NCTL case reference: 15357
Date of determination: 28 April 2017
Former employer: Aldersley High School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 April 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Daljit Uppal (“Ms Uppal”).

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mr Rob Allan (lay panellist), and Ms Karen McArthur (lay panellist) .

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Mr Adam Walker of Nabarro LLP. However, as a meeting was convened instead of a hearing, pursuant to paragraphs 4.83 to 4.91 of the Teacher misconduct – Disciplinary procedures for the teaching profession (the “Procedures”), the presenting officer was not present.

For the same reason, Ms Uppal was also not present and was not represented.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 3 March 2017.

It was alleged that Ms Uppal was guilty of a relevant conviction, in that:

1. On 19 May 2016 at Dudley Magistrates Court she was convicted of dishonestly making a false representation to make gain for herself or another or cause loss to other or expose other to risk between 22 April 2014 to 7 October 2014 contrary to the Fraud Act 2006 s.1(2)(a) and s.2.

On 1 July 2016 at Wolverhampton Crown Court she was sentenced to 8 months imprisonment, subject to a confiscation order under the Proceeds of Crime Act 2002 for £4,300 or in default 3 months imprisonment (to run consecutively), ordered to pay £4,300 compensation and £100 victim surcharge.

Ms Uppal has admitted the facts of the allegation and that those facts amount to conviction of a relevant offence.

C. Preliminary applications

There were no preliminary applications

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral and response – pages 4 to 9

Section 3: Statement of Agreed Facts and presenting officer representations – pages 11 to 15

Section 4: NCTL documents – pages 17 to 37

Section 5: Teacher documents – page 39

In addition, the panel agreed to accept the following:

Notice of Meeting dated 3 March 2017

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

Witnesses

The panel heard no oral evidence, as the case was convened as a meeting.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Ms Uppal was employed at Aldersley High School (the "School") from January 2010 until her resignation on 31 August 2015. She was initially employed as an assistant head teacher for numeracy and then as acting vice principal. In June 2015, a problem was identified with regard to the purchase of scarves by Ms Uppal on behalf of the School. Ms Uppal was subsequently convicted for a criminal offence as a result of having invoiced the School for 1,000 scarves costing £6.50 each from India, when she had in fact, ordered the scarves from a company in Wolverhampton at a cost of £4.50 each, and had only paid the company £2,200, intending to make a gain of £4,300 for herself.

Ms Uppal is known by both the names Daljit Uppal and Daljit Kaur.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation against you proven, for these reasons:

- 1. On 19 May 2016 at Dudley Magistrates Court you were convicted of dishonestly making a false representation to make gain for yourself or another or cause loss to other or expose other to risk between 22 April 2014 to 7 October 2014 contrary to the Fraud Act 2006 s.1(2)(a) and s.2.**

On 1 July 2016 at Wolverhampton Crown Court you were sentenced to 8 months imprisonment, subject to a confiscation order under Proceeds of Crime Act 2002 for £4,300 or in default 3 months imprisonment (to run consecutively), ordered to pay £4,300 compensation and £100 victim surcharge.

The allegation has been admitted by Ms Uppal in a Statement of Agreed Facts signed by her on 20 January 2017. The panel has seen the Certificate of Conviction (Sentence) and the Memorandum of Entry in the register of Dudley Magistrates' Court and accepts those documents as conclusive proof that establishes the facts of the case.

This allegation is therefore found proven.

As an aside, the panel notes the following small discrepancies in the documents that have been provided to it, but does not consider that these are sufficiently material to affect its finding: 1) The entry in the Court register states that the fraud occurred from 22 April 2014 (to which Ms Uppal has admitted), whilst the PNC states that it occurred from 22 August 2014; and 2) The Certificate of Conviction states that Ms Uppal was convicted on 3 June 2016, whilst the entry in the Court register and PNC states that this happened on 19 May 2016 (to which Ms Uppal has admitted).

Findings as to conviction of a relevant offence

The panel is satisfied that the conduct of Ms Uppal in relation to the facts it has found proved, involved breaches of the Teachers' Standards. It considers that by reference to Part Two, Ms Uppal 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
- 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 did not consider that Ms Uppal's actions had a potential impact on the safety or security of pupils or members of the public.

The panel considers it relevant that the behaviour that led to the conviction took place in a school setting, in which Ms Uppal was in a position of trust and a senior leadership role. She misused the school's money and appears to have intended to make a personal gain from this.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Uppal'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.

The panel has noted that Ms Uppal's behaviour has ultimately led to her receiving a sentence of imprisonment which is indicative of the seriousness of the offence committed.

This offence involves fraud and dishonesty, which the Advice states is likely to be considered relevant.

The panel has also taken into consideration Ms Uppal's account of the personal difficulties she describes that she was suffering at the relevant time [REDACTED]. The

panel has also taken account of Ms Uppal's representations regarding her teaching proficiency, although notes that no evidence has been submitted by her in support of this.

The panel has found that the seriousness of the offending behaviour that led to the conviction is relevant to Ms Uppal's ongoing suitability to teach. 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.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Uppal, which involved a conviction of fraud arising from misconduct in the education setting, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Ms Uppal was outside that which could reasonably be tolerated.

In view of 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 Ms Uppal.

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 Ms Uppal. 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
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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. In light of the panel's findings, Ms Uppal's actions were deliberate and there is no evidence that she was acting under duress.

No character testimonials or references have been provided by Ms Uppal from third parties, and no references have been provided from any colleagues that can attest to her abilities as a teacher.

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

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Ms Uppal. The seriousness of the offence, fact that it occurred in an education setting, and Ms Uppal's initial attempt to cover it up when questioned by her colleagues were significant factors 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 for it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states 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, and the panel has found that Ms Uppal has been convicted of defrauding the School at which she worked of £4,300, which is relevant.

The panel also considers that there is a lack of evidence that Ms Uppal has insight into the seriousness of the offence and the impact of her behaviour upon the School. Although Ms Uppal's written statement states that she regrets 'the events that occurred' and is 'deeply saddened', her representations do not contain any apology to the School or her colleagues. The panel also notes that Ms Uppal pleaded 'not guilty' when charged with the offence, so that she was convicted upon conclusion of a trial.

The panel therefore 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 provision 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 period.

In considering this case I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the allegations proven and found that those proven facts amount to a relevant conviction. The panel has made a recommendation to the Secretary of State that Ms Uppal should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Uppal 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;
- 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 did not consider that Ms Uppal's actions had a potential impact on the safety or security of pupils or members of the public.

The panel considers it relevant that the behaviour that led to the conviction took place in a school setting, in which Ms Uppal was in a position of trust and a senior leadership role. She misused the school's money and appears to have intended to make a personal gain from this.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Uppal'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.

The panel has noted that Ms Uppal's behaviour has ultimately led to her receiving a sentence of imprisonment which is indicative of the seriousness of the offence committed.

This offence involves fraud and dishonesty, which the Advice states is likely to be considered relevant.

The findings of a relevant conviction are particularly serious as they include a finding of dishonesty on the part of a senior teacher.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Uppal, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed that it "did not consider that Ms Uppal's actions had a potential impact on the safety or security of pupils or members of the public."

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows; "there is a lack of evidence that Ms Uppal has insight into the seriousness of the offence and the impact of her behaviour upon the School. Although Ms Uppal's written statement states that she regrets 'the events that occurred' and is 'deeply saddened', her representations do not contain any apology to the School or her colleagues. The panel also notes that Ms Uppal pleaded 'not guilty' when charged with the offence, so that she was convicted upon conclusion of a trial."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future dishonesty and fraud. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that this case features, "a conviction of fraud arising from misconduct in the education setting, a strong public interest consideration in declaring proper standards of conduct in the profession was also present," I am particularly mindful of the finding of fraud in this case and the impact that such a finding has on the reputation of the profession.

I consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the findings of a relevant conviction that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Uppal herself. The panel says that in this case “No character testimonials or references have been provided by Ms Uppal from third parties, and no references have been provided from any colleagues that can attest to her abilities as a teacher.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Uppal has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no review period.

I have considered the panel’s comments concerning the behaviours “These behaviours include fraud or serious dishonesty, and the panel has found that Ms Uppal has been convicted of defrauding the School at which she worked of £4,300, which is relevant. “

The published guidance from the Secretary of State indicates that these behaviours are ones that, if proven, would militate against a review period being recommended.

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the dishonesty found, and the lack of either insight or remorse are important factors to which I attach considerable weight.

I have also taken into account the personal factors set out by the panel.

Having weighed all of these elements, I consider therefore that a no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Daljit Uppal 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 her, I have decided that Ms Daljit Uppal shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Daljit Uppal 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.



Decision maker: Alan Meyrick

Date: 10 May 2017

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