



National College for  
Teaching & Leadership

# **Ms Geeta Rana: Professional conduct panel outcome**

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

**March 2017**

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

**Teacher:** Ms Geeta Rana

**Teacher ref number:** 9957303

**Teacher date of birth:** 24 April 1963

**NCTL case reference:** 15232

**Date of determination:** 17 March 2017

**Former employer:** The Joseph Whitaker School, Rainworth

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 17 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Geeta Rana (“Ms Rana”).

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mr John Pemberton (former teacher panellist) and Mr John Matharu (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 Ben Bentley of Browne Jacobson LLP.

As this was a meeting, the parties were not present.

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 17 January 2017.

It was alleged that Ms Geeta Rana was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at The Joseph Whitaker School ("The School"), Rainworth, on 25 November 2015 she:

1. Consumed alcohol, prior to attending the school premises and/or on the school premises;
2. Slept in another room in the school's premises whilst she was responsible for teaching a class;
3. Took and/or stored alcohol in the school's premises;
4. Was dishonest in that she informed the school that she had not consumed alcohol, on one or more occasions.

It was also alleged that Ms Geeta Rana was guilty of having a conviction, at any time, of a relevant criminal offence in that she was convicted at Mansfield Magistrates Court in March 2016, of the following criminal offence:

5. Driving whilst under the influence on 25 November 2015, pursuant to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

Ms Rana admits the facts of each of the allegations above, in the Statement of Agreed Facts (the "SOAF"), which she signed on 16 November 2016, as amended and signed by her representative from the NASUWT.

Ms Rana also admits that allegations 1 to 4 constitute unacceptable professional conduct and/or conduct that may bring the profession into disrepute, and that allegation 5 constitutes 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 and anonymised pupil list – pages 2 to 3

Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 11c

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 19

Section 4: NCTL documents – pages 21 to 81

Section 5: Teacher documents – pages 83 to 95

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

### **Witnesses**

As this was a meeting, no witnesses were called to provide oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Ms Rana began employment at “The School” in Nottinghamshire as a mathematics teacher from 1 September 2002. It is alleged that during the night of Tuesday 24 November 2016 and during the early hours of Wednesday 25 November before attending work, she consumed a large amount of alcohol. She then attended work that day and continued to consume alcohol, whilst on the school premises. At one point, she left a classroom due to feeling unwell, and subsequently fell asleep in the mathematics office, where she was found by a teaching assistant. She attempted to leave the school premises at the end of the school day by getting into her car and reversing out of her parking space. In doing so, her car collided with her colleague’s vehicle. She was then spotted by colleagues and escorted into the school building. Colleagues discovered that a locked cupboard in her classroom smelt of alcohol and contained an empty glass which appeared to have previously contained alcohol.

The police were called; Ms Rana was breathalysed and then arrested for driving with alcohol in her blood, that was two and a half times the legal limit. Bags of unopened alcoholic drinks were also found in the boot of her car. Ms Rana received a conviction under section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988. She also resigned from the school.

## **Findings of fact**

Our findings of fact are as follows:

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

**It is alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at The Joseph Whitaker School, Rainworth, on 25 November 2015 you:**

**1. Consumed alcohol, prior to attending the school premises and/or on the school premises;**

Ms Rana admits that during the night of Tuesday 24<sup>th</sup> November 2015 and early hours of the morning on Wednesday 25 November 2015, she drank numerous glasses of alcohol. She states that she then woke up during the night and drank another glass of alcohol. Throughout the school day, she accepts that she drank at least two and a half glasses of alcohol and that at the end of the school day she drank alcohol from a plastic bottle in her handbag, whilst still on the school premises. The facts of this allegation are also confirmed in the notes from Ms Rana's internal investigation interview with the school on 9 December 2015.

The allegation is therefore found proved.

**2. Slept in another room in the school's premises whilst you were responsible for teaching a class;**

Ms Rana admits that she fell asleep in the mathematics office whilst she was responsible for teaching a year 10 class during period 5. She states that approximately 10 minutes into the lesson she felt sick and so left the class with a teaching assistant. She then went to the mathematics office, sat at a desk and fell asleep for a short period. She was awoken by the teaching assistant, who found Ms Rana approximately 15 minutes after she had left the lesson. The facts of this allegation are also confirmed by a statement from the teaching assistant.

The allegation is therefore found proved.

**3. Took and/or stored alcohol in the school's premises;**

Ms Rana admitted that she took and stored alcohol on the school's premises on 25 November 2015. She also admits that she stored alcohol in a plastic bottle in her handbag, and that she used a wine glass in her classroom cupboard to drink this. The facts of this allegation are also confirmed in the notes from Ms Rana's internal investigation interview with the school on 9 December 2015.

The allegation is therefore found proved.

**It is also alleged that you are guilty of having a conviction, at any time, of a relevant criminal offence in that you were convicted at Mansfield Magistrates Court in March 2016, of the following criminal offence:**

- 5. Driving whilst under the influence on 25 November 2015, pursuant to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.**

The panel has seen the entry in the Register of Nottinghamshire Magistrates Court dated 2 March 2016 that confirms this conviction. It shows that she pleaded guilty and received a community order to undertake 80 hours of unpaid work, a victim surcharge, CPS costs, and was disqualified from driving for 23 months (subject to reduction by 176 days if she completed an approved course).

The panel must accept the certificate of conviction as having proved the facts of the case that relate to the conviction. Ms Rana also admits this allegation.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

**It is alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at The Joseph Whitaker School, Rainworth, on 25 November 2015 you:**

- 4. Were dishonest in that you informed the school that you had not consumed alcohol, on one or more occasions.**

The panel notes that in the Statement of Agreed Facts, Ms Rana admits that on 25 November 2015 when she was questioned by colleagues as to whether she had consumed alcohol (after she had been escorted from her car), she replied that she had not and put her hands over her mouth. The panel also notes that she accepts that this was dishonest as she had been drinking throughout the day, and that she covered her mouth in an attempt to prevent her colleagues from smelling alcohol on her breath.

However, the allegation of dishonesty is a serious one and after having considered legal advice from Miss Ellis, the panel is conscious of the two stage test for establishing

dishonesty in proceedings such as these (which consists of both the objective and subjective limbs). The panel considers that it is questionable whether the first stage of this test has been met, given that the evidence suggests that Ms Rana was heavily under the influence of alcohol at the time (two and a half times over the legal limit to drive). The panel also does not consider that the second subjective limb of the test is met, given Ms Rana's intoxication at the time.

### **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 a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

Unacceptable Professional Conduct and conduct that may bring the profession into disrepute regarding allegations 1 to 3:

The panel is satisfied that the conduct of Ms Rana in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Rana 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 is satisfied that the conduct of Ms Rana fell significantly short of the standards expected of the profession, particularly because it posed a risk to the safety and security of the pupils in her care.

The panel has also considered whether Ms Rana's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that 'serious driving offences, particularly those involving alcohol or drugs' is relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Ms Rana 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 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 Ms Rana's actions constitute conduct that may bring the profession into disrepute.

In summary, having found the facts of particulars 1, 2 and 3 proved, the panel further finds that Ms Rana's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Conviction of a relevant offence (allegation 5):

The panel is satisfied that the conduct of Ms Rana in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Ms Rana 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 considers that Ms Rana's actions were relevant to teaching, working with children and working in an education setting. This is because her level of alcohol consumption (two and a half times above the legal limit) led to a vehicle collision on the school premises, and put the safety of herself, students and the public at risk. It was a serious lack of judgment and the consequences could have been fatal. Furthermore, such behaviour does not set a good example to the students in her care. The panel also notes that Ms Rana's actions contravened the school's Code of Conduct for Staff.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Rana'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 noted that the teacher's behaviour did not lead to a sentence of imprisonment, which is indicative that the offence was at the less serious end of the possible spectrum.

The panel considered that this is a case involving serious driving offences, particularly those involving alcohol or drugs, which the Advice states is likely to be considered a relevant offence.

The panel has taken into account the written evidence that has been adduced attesting to Ms Rana's previous good record as a teacher. The panel has also taken into consideration Ms Rana's account of the emotional difficulties.

[Redacted]

In spite of this however, the panel has found the seriousness of the offending behaviour that led to the conviction relevant to Ms Rana'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 unacceptable professional conduct/conduct that may bring the profession into disrepute/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 protection of pupils/the protection of other members of the public, 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 Rana, which involved consuming a high level of alcohol whilst responsible for pupils and driving above the legal alcohol limit, there is a strong public interest consideration in protecting pupils from similar risks in the future. The panel also considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Rana were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Rana.

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 Rana. 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:

- A serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

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 the panel notes that Ms Rana was suffering from a number of personal difficulties including health issues, and that she previously had a good record as a teacher. The panel has also reviewed the four references/character statements provided by Ms Rana, and notes that one of these (from The Joseph Whitaker School) states that there had been no previous concerns regarding her ability 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 Rana. The future safety and security of pupils 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 for it to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice recommends 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 panel notes that Ms Rana has demonstrated some remorse regarding her misconduct. However, the panel considers that in order to ensure the safety of pupils in her care, it is necessary for Ms Rana to demonstrate that she has overcome her dependency upon alcohol and is fit enough to be able to teach, before being permitted to return to the profession.

The panel therefore felt that the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended, with provision for a review period after three years to enable Ms Rana to continue her rehabilitation.

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

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

I have taken into account the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case I have also noted that the panel did not find proven the allegation relating to dishonesty. I have therefore put from my mind that allegation.

In this case I have noted that the teacher has admitted the remaining facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and in the case of one allegation, that it amounts to a relevant conviction.

In this case the panel has found that Ms Rana 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 is satisfied that the conduct of Ms Rana fell significantly short of the standards expected of the profession, particularly because it posed a risk to the safety and security of the pupils in her care.

The panel has also considered whether Ms Rana's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that 'serious driving offences, particularly those involving alcohol or drugs' is relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Having found some of the facts proven and amounting to unacceptable professional conduct, conduct that may bring the profession into disrepute and a relevant criminal conviction, the panel has gone on to make its recommendation to me.

In considering my decision I have weighed the various elements of the public interest and the interests of the teacher. I have taken into account the need to be proportionate and not to be punitive, recognising that a prohibition order may have a prohibitive effect. I have also weighed up the fact that in some cases a finding of unacceptable professional conduct may of itself be a proportionate and appropriate outcome to a case.

In this instance the panel has argued that, despite the serious consequences for the teacher, that public interest considerations outweigh the interests of Ms Rana. The future safety and security of pupils was a significant factor in forming that opinion. Accordingly, the panel has recommended that a prohibition order should be imposed with immediate effect. For those reasons I support the panel's recommendation.

I have gone on to consider the matter of a review period. I have noted the mitigating and the health factors in this case. On balance I agree that a 3 year review period is proportionate and will allow Ms Rana the opportunity to continue her rehabilitation.

**This means that Ms Geeta Rana 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 29 March 2020, 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, Ms Geeta Rana remains prohibited from teaching indefinitely.

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

Ms Geeta Rana 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: 22 March 2017**

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