



Teaching  
Regulation  
Agency

# **Ms Shivarna Mitra: Professional conduct panel meeting outcome**

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

**December 2021**

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

<b>Teacher:</b>	Ms Shivarna Mitra
<b>Teacher ref number:</b>	3752509
<b>Teacher date of birth:</b>	14 August 1982
<b>TRA reference:</b>	17843
<b>Date of determination:</b>	13 December 2021
<b>Former employer:</b>	Southmere Primary Academy, Bradford ("the School")

### Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened virtually on 13 December 2021, to consider the case of Ms Shivarna Mitra.

The panel members were Mr Nigel Shock (lay panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mrs Oluremi Alabi (lay panellist).

The legal adviser to the panel was Mr Matthew Corrie of Blake Morgan solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Mitra that the allegation be considered without a hearing. Ms Mitra provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Mitra or any representative instructed on his behalf.

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

## Allegations

The panel considered the allegation(s) set out in the notice of meeting dated 2 November 2021.

It was alleged that Ms Mitra was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

You have been convicted of one or more relevant criminal offences in that:

1. On 14 January 2009, at Leeds District Magistrates Court you were convicted of:
  - a. fraud by false representation on 23 August 2007 contrary to s1(2)a and s2 of the Fraud Act 2006;
  - b. fraud by false representation on 25 September 2007 contrary to s1(2)a and s2 of the Fraud Act 2006.

AND

You are guilty of unacceptable professional conduct and/or conduct that may bring the teaching profession into disrepute in that:

2. You caused or allowed the submission of an application to Southmere Primary Academy (“the School”) that inaccurately stated:
  - a. In respect of your ‘Current or Last Job’:
    - i. Name and Address of Employer: [REDACTED]
    - ii. Job Title: ‘Head of Key Stage 2’
    - iii. Scale or Grade: MP4 TLR1
  - b. In respect of your ‘Previous Jobs’:
    - i. Employer Name & Address: [REDACTED]
    - ii. Job or jobs held: ‘Head of KS2 Assistant lead of Performing Arts Also worked in KS1’
  - c. In respect of ‘Criminal Convictions’ words to the effect that:
    - i. you were convicted for an offence in or around April 2007;
    - ii. you accepted money into your account from your partner at the time;
    - iii. your partner stated that the money was a bonus from work;
    - iv. you acted honestly.

3. During an interview with the School on or around 23 November 2017, you failed to correct all or any of the inaccurate information set out in Allegation 2.

4. Between or around November 2017 and October 2018, you caused or allowed a certificate to be provided to the School which inaccurately purported:

- a. to have been issued by the Society for Education and Training;
- b. that you had been awarded QTLS status.

5. Between or around November 2017 and October 2018, you caused or allowed information to be submitted to the School which inaccurately:

- a. stated, in a referenced dated 15 November 2017, that you were employed:
  - i. at [REDACTED]
  - ii. as a KS2 year 4 Teacher
  - iii. at salary level Main Pay Scale 4.
- b. stated, in an email dated 1 December 2017, that you 'had QTLS'
- c. purported to have been written by [REDACTED]
  - i. on or around 15 November 2017, a reference;
  - ii. on 1 December 2017, an email;
  - iii. on 21 July 2018, an email;
  - iv. on 23 July 2018, an email;
  - v. on 23 July 2018, a chain of emails

6. By your conduct at Allegation 2 and/or 3 and/or 4 and/or 5 you failed to act with integrity.

7. You acted dishonestly in respect of Allegation 2 and/or 3 and/or 4 and/or 5 in that:

- a. you knew that the information was inaccurate;
- b. you intended to create a false impression

Ms Mitra admitted the facts of the allegations, that her conduct amounted to unacceptable professional conduct. Further, Ms Mitra admitted the conviction and that it was a relevant offence.

## **Preliminary applications**

There were no preliminary applications

## **Summary of evidence**

## **Documents**

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

Section 1: Chronology and list of key people – pages 1 to 2

Section 2: Notice of proceedings and response – pages 3 to 14

Section 3: Statement of Agreed Facts and Presenting Officer Representations– pages 15 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 158

Section 5: Teacher documents – pages 159 to 161

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

## **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Ms Mitra on 1 July 2021.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Mitra for the allegations to be considered without a hearing.

The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel considered that the admissions were clear and unequivocal and saw no other public interest or interests of justice reason which required that these proceedings required consideration at a hearing. The panel, therefore, did not determine that such a direction was necessary or appropriate in this case.

On 14 January 2009 Ms Mitra was convicted of two counts of fraud by false representation contrary to the Fraud Act Section 1 (2) A and Section 2 and was sentenced to a 12 month community order with a 100 hour unpaid work requirement and a compensation order of £2537.

These offences were committed on 23 August and 25 September 2007 and took place at a time when she was employed as a sales consultant by Company A. On 23 August

2007 she sent a fax to Company A's payroll section purporting to be a legitimate employee and seeking to redirect wages into her own bank account. As a result, her account was credited with £2537.41. On 25 September 2007 a further fax was sent to the payroll section as part of another attempt to redirect employee's wages into her bank account. Ms Mitra initially denied fraud but ultimately admitted her actions and stated that she acted as she did because she had been in a dispute with Company A over her expenses. Ms Mitra pleaded guilty at the Leeds Magistrates Court.

Further, on 15 November 2017 Ms Mitra submitted an application for employment with the School. Within this application there was a considerable amount of inaccurate information, namely:

- Her current employer's name and address;
- Her current role with her employer;
- Her previous employer's name and address;
- Her role with her previous employer;
- The circumstances of the facts underlying the aforementioned conviction which she described as having accepted money into her bank account from [REDACTED] who had received a bonus from work and that she had acted honestly.

In fact the information was false, her previous employer was not a school but an after school club and Ms Mitra had not held the roles she purported to. Further, her description of the circumstances of the offences for which she was convicted were false.

The job application contained a declaration that the information contained therein was true.

On 23 November 2017 Ms Mitra was interviewed by the School. During the course of the interview she did not correct any of the inaccurate information contained within her application.

Moreover, on request, Ms Mitra submitted a certificate purporting to be a QLTS award from the Society for Education and Training. The certificate was a forgery and she had not, in fact, been awarded such a certificate.

Further, on 15 November 2017 the School received a reference from Person A which confirmed that Ms Mitra was employed at [REDACTED] as a KS2 year 4 teacher and that her salary level was set at Main Pay Scale 4.

The School encountered difficulties verifying Ms Mitra's teaching status and asked her to provide evidence of this. On 1 December 2017, a further email from Person A which again indicated that Ms Mitra was qualified, was received.

[REDACTED] On 21 July 2018 the School received an unsolicited email from Person A. This email aroused suspicions as to whether the emails from Person A had in fact been written by Ms Mitra. On 23 July 2017 Ms Mitra was asked for her full work history and informed that there would be an investigation. Thereafter a further email in support of Ms Mitra was received from Person A.

The School has been unable to verify the existence of Person A and the emails appear to have been sent or arranged to have been sent by Ms Mitra.

## **Findings of fact**

The findings of fact are as follows:

### **1. On 14 January 2009, at Leeds District Magistrates Court you were convicted of:**

**a. fraud by false representation on 23 August 2007 contrary to s1(2)a and s2 of the Fraud Act 2006;**

**b. fraud by false representation on 25 September 2007 contrary to s1(2)a and s2 of the Fraud Act 2006.**

Ms Mitra admitted the facts of the allegation.

The panel was presented with a certificate of conviction from the Leeds Magistrates Court.

This confirmed that Ms Mitra was convicted on 14 January 2009 of two counts of fraud by false representation contrary to the Fraud Act Section 1 (2) A and Section 2 and was sentenced to a 12 month community order with a 100 hour unpaid work requirement and a compensation order of £2537.

The panel carefully considered all of the evidence within the hearing bundle relating to the circumstances of this offence.

The panel accepted the certificate of conviction as conclusive proof of the commission of the offence by Ms Mitra. It accordingly found the allegation proved.

### **2. You caused or allowed the submission of an application to Southmere Primary Academy (“the School”) that inaccurately stated:**

#### **(a) In respect of your ‘Current or Last Job:**

**(i) Name and Address of Employer: [REDACTED]**

**(ii) Job Title: ‘Head of Key Stage 2’**



**(iii) Scale or Grade: MP4 TLR1**

**(b) In respect of your 'Previous Jobs':**

**(i) Employer Name & Address: [REDACTED]**

**(ii) Job or jobs held: 'Head of KS2 Assistant lead of Performing Arts Also worked in KS1'**

**(c) In respect of 'Criminal Convictions' words to the effect that:**

**(i) you were convicted for an offence in or around April 2007;**

**(ii) you accepted money into your account from your partner at the time;**

**(iii) your partner stated that the money was a bonus from work;**

**(iv) you acted honestly.**

**3. During an interview with the School on or around 23 November 2017, you failed to correct all or any of the inaccurate information set out in Allegation 2.**

**4. Between or around November 2017 and October 2018, you caused or allowed a certificate to be provided to the School which inaccurately purported:**

**(a) to have been issued by the Society for Education and Training;**

**(b) that you had been awarded QTLS status.**

**5. Between or around November 2017 and October 2018, you caused or allowed information to be submitted to the School which inaccurately:**

**(a) stated, in a referenced dated 15 November 2017, that you were employed:**

**(i) at [REDACTED]**

**(ii) as a KS2 year 4 Teacher;**

**(iii) at salary level Main Pay Scale 4.**

**(b) stated, in an email dated 1 December 2017, that you 'had QTLS'**

**(c) purported to have been written by [REDACTED]**

**(i) on or around 15 November 2017, a reference;**

**(ii) on 1 December 2017, an email;**

**(iii) on 21 July 2018, an email;**

(iv) on 23 July 2018, an email;

(v) on 23 July 2018, a chain of emails

**6. By your conduct at Allegation 2 and/or 3 and/or 4 and/or 5 you failed to act with integrity.**

**7. You acted dishonestly in respect of Allegation 2 and/or 3 and/or 4 and/or 5 in that:**

**(a) you knew that the information was inaccurate;**

**(b) you intended to create a false impression**

The panel considered each particular of allegation separately.

The panel considered all of the evidence in the bundle.

Ms Mitra admitted all of the particulars of allegation within the statement of agreed facts. The panel considered that the admissions were clear and unambiguous and accepted the admissions and found each of the particulars of allegation proven.

The panel considered that the material within the bundle evidenced what was alleged in the allegations.

In particular, the panel took into account the evidence from Individual A as to the contents of the application form, the job interview, the provision of the false certificate, the correspondence with Person A and the attempts to contact Person A. Further, the panel took into account the witness statement from Individual B as to the falsity of the QLTS certificate.

The panel found each of the particulars of allegation proven on the balance of probabilities.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found all of the particulars of allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Ms Mitra admitted that her conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Whilst the panel took these admissions into account, it made its own determination.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Ms Mitra in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Mitra was 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel was satisfied that the conduct of Ms Mitra fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Mitra's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that none of these offences were strictly relevant to particulars of allegation 2 - 7, though the panel had firmly in mind that the behaviours found proven included dishonesty, which was certainly serious on the basis of the panel's findings,

In relation to particulars of allegation 2 – 7, Ms Mitra applied for a teaching role for which she was not suitably qualified. On the application form she included a significant amount of vital information, such as her current and previous employers and roles and the details of a referee, which were false. Moreover, Ms Mitra provided a misleading description of the circumstances and facts of the offences for which she was convicted. Ms Mitra signed a declaration to the effect that the information within the application was true. Further, Ms Mitra, when interviewed by the School, did not correct the false information she had provided in the application. In fact, when asked to provide evidence of her qualification status she submitted a forged QLTS certificate. She also sent or caused to be sent an email from Person A which asserted that Ms Mitra was qualified. Further, having been employed by the School for some months and when issues began to arise, Ms Mitra sent or caused to be sent emails, supporting her position, purporting to be from Person A.

The panel considered that Ms Mitra's conduct, albeit not very sophisticated, was a pre-meditated and carefully planned course of conduct in which a significant amount of vital information supplied as part of the application process was deliberately and knowingly false. This took place over a significant period of time and when it was about to be discovered Ms Mitra sought to conceal her actions by sending or causing to be sent additional emails from Person A.

The panel considered her conduct to be deliberate, planned and designed to subvert the proper and effective recruitment processes of the School.

The panel considered that this conduct fell seriously short of what was required in the circumstances and was a failure to act with honesty or integrity and, therefore, was a failure to maintain the high standards of ethics and behaviour required of teachers.

Accordingly, the panel was satisfied that Ms Mitra was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the Ms Mitra's status as a teacher, potentially damaging the public perception.

The panel found that Ms Mitra's behaviour was conduct that was highly likely to bring the profession into disrepute.

### **Findings as to conviction of a relevant offence**

The panel was satisfied that the conduct of Ms Mitra in relation to the facts it found proved involved breaches of the Teachers' Standards.

The panel considered that by reference to Part 2, Ms Mitra was 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers are under a duty to act in a way which maintains high standards of ethics and behaviour which includes the need to act with honesty and integrity. The panel considered that Ms Mitra's actions were, therefore, relevant to teaching in that they involved serious dishonesty and fraudulent activity.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Mitra's behaviour, in committing the offences, was highly likely to affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community

Ms Mitra committed an offence of fraud or serious dishonesty which the Advice states is likely to be considered a relevant offence.

The panel considered whether there were any mitigating circumstances and identified that the age of the offences might be of relevance. However, taking into account the nexus of the convictions to the subsequent dishonesty in seeking to conceal the circumstances of the conviction the panel considered that this did not mitigate the conduct in any material way.

The panel did not consider that Ms Mitra considered that she was owed money by her employer to be a mitigating feature.

The panel considered that the conviction was for a relevant offence.

## **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 and a conviction of a relevant offence, it was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Ms Mitra involved a course of conduct that involved the submission of false information within a job application and actions designed to conceal her behaviour. These actions undermined the integrity of the School's recruitment process and resulted in having an unqualified and unsuitable candidate in the role. Therefore, the panel considered that there was a strong public interest consideration in respect of the protection of pupils.

The conduct found proved also involved a conviction of two offences of fraud.

In the panel's view the two fraud offences were serious dishonesty. Moreover, the conduct which relates to allegations 2 -7 involved a pre-meditated, dishonest course of conduct designed to obtain and retain a teaching role for which she was neither qualified

nor suitable. This was serious dishonesty over a significant period of time in respect of which there were attempts to cover it up. The panel has seen no evidence from Ms Mitra of any insight or remorse. The panel considered that if such behaviour were not treated with the utmost seriousness by the TRA that public confidence in the profession could be seriously undermined.

Further, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present. The conduct found against Ms Mitra fell considerably outside that which could reasonably be tolerated.

The panel accepted that there can be, in general terms, a public interest in retaining teachers in the profession. However, it had heard no evidence as to whether Ms Mitra wishes to teach or in support of her ability as a teacher. Ms Mitra did not submit any character references or testimonials. The panel did not consider that there was a public interest in retaining Ms Mitra in the profession. The panel considered that any such public interest was outweighed by the need to maintain confidence in the profession and to declare standards within it.

Notwithstanding 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 Mitra.

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 Ms Mitra.

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 proved. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- 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 some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel accepted that Ms Mitra had not previously been through regulatory proceedings at the TRA (or its predecessor) and so to that extent had a good history. Other than this, the panel did not consider there to be any mitigating circumstances. The panel did not consider that Ms Mitra to have been acting under duress and determined that her actions had been deliberate.

Further, the panel noted that Ms Mitra did not provide any representations over and above what is set out within the agreed statement of facts. There was no evidence of remorse or insight from Ms Mitra.

The panel considered that there were a number of aggravating features in this case:

- convictions for offences of serious dishonesty;
- Ms Mitra's actions in relation to particulars of allegation 2 - 7 were pre-meditated, took place over a prolonged period of time and involved serious and repeated acts of dishonesty;
- Ms Mitra has shown no insight into her actions;
- As a result of her actions an unsuitable and unqualified person was recruited by the School.

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 would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Mitra. That Ms Mitra has acted dishonestly when committing the offences and that she, in relation to the job application, then embarked on a planned and sustained course of conduct which involved multiple acts of serious dishonesty was a significant factor in forming that opinion. Accordingly, the panel made 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 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 proved, would militate against the recommendation of a review period. One of these behaviours includes fraud or serious dishonesty which the panel considered applied in the circumstances of the current case.

Taking into account the gravity of the conduct concerned along with the lack of insight or remorse into her actions the panel decided that 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 the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and a relevant conviction.

The panel has made a recommendation to the Secretary of State that Ms Shivarna Mitra should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Mitra 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel finds that the conduct of Ms Mitra fell significantly short of the standards expected of the profession.



The findings of misconduct are particularly serious as they include a finding that involved the submission of false information within a job application, dishonesty and a conviction of two offences of fraud.

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 a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Mitra, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "The panel's findings against Ms Mitra involved a course of conduct that involved the submission of false information within a job application and actions designed to conceal her behaviour. These actions undermined the integrity of the School's recruitment process and resulted in having an unqualified and unsuitable candidate in the role. Therefore, the panel considered that there was a strong public interest consideration in respect of the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "There was no evidence of remorse or insight from Ms Mitra." In my judgement, the lack of insight and/or remorse means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. 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, "the two fraud offences were serious dishonesty. Moreover, the conduct which relates to allegations 2 -7 involved a pre-meditated, dishonest course of conduct designed to obtain and retain a teaching role for which she was neither qualified nor suitable. This was serious dishonesty over a significant period of time in respect of which there were attempts to cover it up. The panel has seen no evidence from Ms Mitra of any insight or remorse. The panel considered that if such behaviour were not treated with the utmost seriousness by the TRA that public confidence in the profession could be seriously undermined."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Mitra herself and “The panel accepted that there can be, in general terms, a public interest in retaining teachers in the profession. However, it had heard no evidence as to whether Ms Mitra wishes to teach or in support of her ability as a teacher. Ms Mitra did not submit any character references or testimonials. The panel did not consider that there was a public interest in retaining Ms Mitra in the profession. The panel considered that any such public interest was outweighed by the need to maintain confidence in the profession and to declare standards within it.” I have given this considerable weight when considering my decision.

A prohibition order would prevent Ms Mitra from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments “The panel decided that the public interest considerations outweighed the interests of Ms Mitra. That Ms Mitra has acted dishonestly when committing the offences and that she, in relation to the job application, then embarked on a planned and sustained course of conduct which involved multiple acts of serious dishonesty was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Mitra has made 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, in light of the circumstances in this case, 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.

Ms Mitra's conduct was pre-meditated and involved a significant amount of false information being deliberately supplied in an application form for a school role, which she then took steps to conceal her actions. The panel considered her conduct to be deliberate, planned and designed to subvert the proper and effective recruitment processes of the School.

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes fraud or serious dishonesty which the panel considered applied in the circumstances of the current case."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the fraud and dishonesty found and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Ms Shivarna Mitra 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 Mitra 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 Mitra 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 black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 16 December 2021**

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