



Teaching
Regulation
Agency

Mrs Dipti Patel: Professional conduct panel outcome

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

May 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Mrs Dipti Patel
Teacher ref number: 0940234
Teacher date of birth: 27 October 1985
TRA reference: 19870
Date of determination: 12 May 2023
Current employer: Manchester Academy

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 to 11 May 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, and virtually on 12 May 2023, to consider the case of Mrs Patel.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Rachel Kruger (teacher panellist) and Ms Rosemary Joyce (teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Ms Amalea Bourne of Browne Jacobson LLP.

Mrs Patel was present and was represented by Mr Jonathan Storey, instructed by the National Education Union.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 21 February 2023.

It was alleged that Mrs Patel had been convicted of a relevant offence, in that:

- 1) On or around 21 September 2020 you were convicted at St Albans Crown Court of the offence of 'Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk' on 3/11/18 - Fraud Act 2006 s.1(2) and s.2.

And

That Mrs Patel was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Manchester Academy she;

- 2) failed to notify your employer until on or around 30 September 2020 of your:

- a. Investigation
- b. Arrest
- c. Court appearance
- d. Guilty plea and/or conviction

in respect of the offence at Allegation 1 above.

- 3) Applied for and/or obtained leave on the basis that it was to allow her to take her child to a medical appointment when in fact it was to allow her to attend one or more Court appearances,
- 4) She signed annual Safeguarding/ school policy documentation knowing that she was facing criminal charges and had failed to disclose them.
- 5) Her conduct as may be found proven at Allegations (2) and/or (3) and/or (4) above lacked integrity and/or was dishonest.

Mrs Patel admitted allegation 1) and that it amounted to a relevant conviction. Ms Patel also admitted allegations 3) and 4) in full. Allegation 5) was admitted in so far as it applied to allegations 3) and 4). Mrs Patel further accepted these admitted allegations would amount to unacceptable professional conduct and conduct that would bring the profession into disrepute.

This left allegation 2) as a disputed allegation.

Preliminary applications

Application to admit late evidence

The presenting officer made an application to admit a document into the evidence outside of the timetable set by the disciplinary procedures. The document was an 11-page investigation report undertaken by Manchester Academy following the revelation of Mrs Patel's fraud conviction. The presenting officer described the document as containing accounts taken during that investigation which indicated there was a discrepancy in the account that Mrs Patel had advanced. The presenting officer explained the document was first provided to the TRA on Friday 5 May 2023 and further disclosed to Mrs Patel's legal representatives that afternoon.

Mr Storey opposed the application and submitted that it was both irrelevant and unfair to admit the evidence. Mr Storey submitted that any discrepancies that were alleged to be contained in that report, did not go to the issues in allegation 2). Furthermore, the report would also contain the conclusions of the Academy's findings which were considered, as a matter of law, to be irrelevant to the panel's consideration. Mr Storey also submitted that Mrs Patel was significantly prejudiced by disclosing this material effectively the afternoon before the hearing was due to start. Mrs Patel would not have the opportunity to call potential rebuttal evidence and there was no explanation at all as to why this document had not been obtained prior to this date. Mr Storey highlighted that the TRA had been aware of the fact that the Academy had undertaken an investigation for a significant amount of time prior to this hearing.

The panel considered its powers under paragraphs 5.33 and 5.34 of the Disciplinary Procedures. The panel did not have sight of this document when considering this application and relied on the description of the evidence by the parties in the application. The panel agreed with Mr Storey's submissions in regard to the potential unfairness to Mrs Patel, owing to the extremely late disclosure of this evidence. In this circumstance, the panel considered that it would be unfair to admit this evidence. In light of that finding, the panel was not required to make a determination as to relevance of the evidence and the presenting officer's application was refused.

Summary of evidence

Documents

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

Section 1: Index, chronology and anonymised pupil list – pages 1 to 7

Section 2: Notice of proceedings and response – pages 8 to 19

Section 3: Teaching Regulation Agency witness statements – pages 20 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 293

Section 5: Teacher documents – pages 292 to 571

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

Witnesses

The panel heard oral evidence from the following witnesses called on behalf of the TRA:

- Witness A ([REDACTED])

The panel heard oral evidence from the following witnesses called on behalf of the teacher:

- Mrs Dipti Patel (the teacher)
- Witness B (character witness)
- Witness C (character witness)
- Witness D (character witness)
- Witness E (character witness)
- Witness F (character witness)
- Witness G (character witness)

Decision and reasons

The panel announced its decision and reasons as follows:

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

In 2009, following her PGCE, Mrs Patel obtained a position as a PE teacher and spent around ten years working at a school in London. Due to personal family issues, Mrs Patel and her family relocated to Bolton and Mrs Patel took up a position as Head of PE at Manchester Academy (“the Academy”) in December 2018.

Mrs Patel explained that the family issues were related to [REDACTED] and an armed burglary on the family home. On 3 November 2018, it was reported to the police that a further burglary had taken place at the family home. An insurance claim for just under £50,000 was made in the following days for items stolen from the family home. However,

Mrs Patel explained this was a contrived burglary arranged by [REDACTED], and the following insurance claim which was submitted by Mrs Patel was entirely fraudulent.

Following an investigation by the insurance providers, they referred the matter to the police. Following the police investigation, criminal proceedings were taken against Mrs Patel and [REDACTED]. The Academy made a referral to the TRA following the conclusion of those proceedings and its own investigation.

Findings of fact

The findings of fact are as follows:

- 1) On or around 21 September 2020 you were convicted at St Albans Crown Court of the offence of 'Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk' on 3/11/18 - Fraud Act 2006 s.1(2) and s.2.**

Mrs Patel admitted this allegation. Before the panel was a copy of the certificate of conviction from the Crown Court at St Albans, confirming the date and offence of Mrs Patel's conviction. Furthermore, court papers indicated that Mrs Patel pleaded guilty on an accepted basis of plea which set out: 1) She did not know of the contrived burglary and played no part in it, 2) her part in the fraud was exaggerating the claim and 3) She regretted her actions.

Mrs Patel was sentenced to a 9-month prison sentence, suspended for 18 months, along with 120 hours unpaid work and 10 rehabilitation activity requirement days.

The panel was satisfied that Mrs Patel's admission was unequivocal and consistent with the surrounding evidence and therefore found this allegation proved.

- 2) Failed to notify your employer until on or around 30 September 2020 of your:**

- a. Investigation**

It was common ground between the parties that Mrs Patel attended a voluntary interview under caution on 19 October 2019 and that Mrs Patel was represented by a solicitor on that occasion. In her evidence, Mrs Patel explained that prior to attending the police station, she did not have a full understanding as to the reason why she was attending the police station. Mrs Patel explained that she did not appreciate until long after the interview, that the interview was part of a police investigation into her fraudulent insurance claim. The panel considered that as Mrs Patel was aware that she had had an active role in the fraudulent insurance claim, she should not have been under any misapprehension that the police were then investigating her, as the interview would have been under caution.

The panel was satisfied there was a duty on Mrs Patel to disclose the police investigation to her employer following the interview on 19 October 2019. There was express reference to disclosing any 'court or police action' in the Academy's disciplinary policy, which Mrs Patel ought to have been aware of. Even if Mrs Patel was not aware of the policy document, the panel considered that any member of the teaching profession should satisfy themselves as to any duty to disclose to their employer.

Mr Storey invited the panel to carefully consider the wording of this allegation, including the absence of any express reference of a failure to promptly notify her employer. Whilst the allegation did not make any express reference to the timeliness of any required disclosure, the panel was satisfied that it was implicit within the duty to disclose that it was done in a reasonable timeframe. Whether the disclosure took place on 22 September 2020, when Mrs Patel first contacted the HR department or on 30 September 2020 when she met with Witness A, was immaterial in these circumstances. The disclosure took place nearly a year following her awareness of the police investigation and was well outside any reasonable timeframe for doing so.

Accordingly, the panel was satisfied that this element of the allegation was proved.

b. Arrest

It was an agreed position between the parties that Mrs Patel was not arrested during the police's investigation. The panel was also satisfied there was no evidence before it which suggested Mrs Patel had been arrested at any stage.

Therefore, the panel found this element of the allegation not proved.

c. Court appearance

It was an agreed position between the parties that Mrs Patel attended the Magistrates' Court on 14 August 2020 and that she did not enter any plea on that occasion and that the case was sent to the Crown Court to be dealt with.

Mrs Patel explained in her evidence that [REDACTED] kept from her the postal requisition letter addressed to her, and that she did not have a full understanding as to the purpose of the hearing. The panel was satisfied that Mrs Patel must have understood that she was now a defendant in criminal proceedings and the duty to disclose was engaged following her appearance at court on 14 August 2020.

The panel considered that Mrs Patel's failure to disclose this until at least the 22 September 2020 was outside any reasonable timeframe that was implicit in the duty and therefore found this element of the allegation proved.

d. Guilty plea and/or conviction

in respect of the offence at Allegation 1 above.

It was an agreed position between the parties that Mrs Patel appeared before the Crown Court on 21 September 2020, when she entered a guilty plea to the fraud offence. It was also an agreed position that the following day Mrs Patel made contact with a member of the Academy's HR department and that following that contact a subsequent meeting took place on 30 September 2020 between Mrs Patel and Witness A, where she confirmed she had pleaded guilty to an offence.

In his evidence, Witness A expressed that he struggled to get the full information from Mrs Patel as to the circumstances of the guilty plea, with much of the focus of Mrs Patel's conversation being on [REDACTED] involvement in the criminal proceedings. The panel noted Witness A's account appeared to share some similarity to the account provided by the [REDACTED] regarding the discussion on 22 September 2020, which seemed to indicate the conversation was about Mrs Patel's [REDACTED] situation, rather than her own. In her evidence, Mrs Patel stated that she did inform the [REDACTED] on 22 September that she had pleaded guilty and was convicted of an offence. The [REDACTED] was not before the panel to give evidence and therefore her account of what happened during that conversation could not be further explored. The panel was not able to resolve what was or was not said during the initial contact on the 22 September 2020. In these circumstances, the panel was not satisfied the TRA had discharged its burden of proof in showing that Mrs Patel had failed in her duty to disclose the guilty plea and conviction.

Therefore, the panel found this element of the allegation not proved.

For completeness, the panel was further satisfied that although it could not resolve what was exactly disclosed on 22 and 30 September 2020, it was implicit from Mrs Patel's disclosure of the guilty plea that there must have been an earlier police investigation and court appearances.

3) Applied for and/or obtained leave on the basis that it was to allow her to take her child to a medical appointment when in fact it was to allow her to attend one or more Court appearances.

Mrs Patel admitted this allegation. Before the panel was a copy of the leave of absence request form, which showed that on 15 September 2020, Mrs Patel applied for leave on 21 September 2020 and selected the reasons as 'medical for dependant' on the form. Mrs Patel confirmed in her evidence that the true reason for the request was so she could attend a Crown Court hearing.

The panel was satisfied that Mrs Patel's admission was unequivocal and consistent with the surrounding evidence and therefore found this allegation proved.

4) She signed annual Safeguarding/ school policy documentation knowing that she was facing criminal charges and had failed to disclose them.

Mrs Patel admitted this allegation. Before the panel was a copy of the electronic declaration which Mrs Patel completed on 4 September 2020. This post-dated Mrs Patel's first hearing in the Magistrates' Court on 14 August 2020. In that declaration, Mrs Patel confirmed that she had read and understood the following documents:

- Keeping Children Safe in Education Part 1 and Annex A;
- How to access all important Academy Trust policy documents;
- That she had not been involved in any activity/incident, including criminal convictions, charges or cautions, in the last 12 months which might result in a change to her DBS status.

The panel was satisfied that Mrs Patel's admission was unequivocal and consistent with the surrounding evidence and therefore found this allegation proved.

5) Her conduct as may be found proven at Allegations (2) and/or (3) and/or (4) above lacked integrity and/or was dishonest.

Mrs Patel accepted that her admitted conduct in regard to allegations 3) and 4) were dishonest.

In considering allegation 2), the panel first considered Mrs Patel's state of mind as to the circumstances. Relevant factors included:

- She knew she had made a fraudulent insurance claim on 6 November 2018 (relevant to allegation 2a and 2c);
- She was aware there was a police investigation about the fraudulent insurance claim following her interview under caution on 19 October 2019 (relevant to allegation 2a and 2c);
- She was aware she had been charged with fraud following her appearance at the Magistrates' Court on 14 August 2020 (relevant to allegation 2c);
- She was aware that she had dishonestly completed the staff declaration on 4 September 2020 (relevant to allegation 2c);
- She was aware that she had dishonestly made an application for leave on 15 September 2020 relating to the court hearing on 21 September 2020 (relevant to allegation 2c).

Taking Mrs Patel's knowledge as to the circumstances, the panel was satisfied that the ordinary decent person would consider her actions as dishonest. Her actions in regard to allegation 2) were in essence a simple continuation of the admitted dishonesty for allegations 3) and 4), namely done to hide any knowledge of the potential conviction, her shame and her worries about losing her job and ongoing ability to support her family.

The panel was satisfied that Mrs Patel's admission in regards to allegations 3) and 4) was unequivocal and consistent with the surrounding evidence and therefore found this allegation proved in regards to the proven elements of allegation 2) and allegations 3) and 4).

Having made this finding, the panel therefore also found Mrs Patel acted with a lack of integrity, in so far as dishonesty is a component of acting with a lack of integrity.

Findings as to a conviction of a relevant offence

Having found allegation 1) proved, the panel went on to consider if the conviction amounts to the statutory ground of a 'relevant conviction'. 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 not satisfied that the conduct of Mrs Patel in relation to the facts it found proved, involved explicit breaches of the Teachers' Standards.

The panel noted that Mrs Patel's actions were not directly relevant to teaching, working with children and working in an education setting as this related to a fraudulent insurance claim in her private life.

The panel did not consider that Mrs Patel's actions had a potential impact on the safety or security of pupils or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Patel's behaviour in committing the offence could affect 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 Mrs Patel's behaviour ultimately led to a sentence of imprisonment, albeit that it was suspended, which was indicative of the seriousness of the offence committed. This was a case concerning an offence involving "fraud or serious dishonesty" which the Advice states is likely to be considered a relevant offence.

In balancing these factors, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mrs Patel's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Having found parts of allegation 2) and allegations 3) to 5) 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. In doing so, the panel had further regard to the Advice.

The panel was satisfied that the conduct of Mrs Patel in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Patel was in breach of the following standards:

- 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 must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered a finding of dishonesty was inherently serious and the panel was satisfied that the conduct of Mrs Patel amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Patel's conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The panel found that the offence of "fraud or serious dishonesty" was relevant to allegations 2) to 5), as the cumulative effect of Mrs Patel's repeated episodes of dishonesty over an extended period of time, raised the seriousness to a higher level. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel found that Mrs Patel's actions amounted to 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 that they behave.

The panel was satisfied that such conduct would create a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession.

The panel therefore also found that Mrs Patel's actions constituted conduct that may bring the profession into disrepute.

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 maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;
- the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mrs Patel which involved repeated incidents of dishonest conduct over a length of time, there was a strong public interest consideration in that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Patel were not treated with the utmost seriousness when regulating the conduct of the profession. The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Patel was outside that which could reasonably be tolerated.

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to 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 Mrs 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 Mrs 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions... especially where these behaviours have been repeated;
- concealment including... lying to prevent the identification of wrongdoing.

Mrs Patel was convicted of a serious offence of dishonesty. Within the factual matrix of the fraud, Mrs Patel's dishonest actions were planned and happened on multiple occasions in providing continued dishonest representations about the burglary to the insurance company, the insurer's investigators and the police. Mrs Patel's culpability was further amplified by her persistent dishonesty in concealing this information from the Academy, until the last possible moment. These factors meant when considering Mrs Patel's actions on the spectrum of dishonesty, it could only be at the higher end of that spectrum.

Even though some of the behaviour found proved in this case indicated that a prohibition order might be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order might not be appropriate or proportionate.

The panel considered that Mrs Patel's actions were deliberate and was not further assisted by this factor in the Advice.

The panel then went on to consider other mitigating factors in this case. The panel heard from a number of character witnesses, most of whom were also members of the teaching profession and ranged from junior teachers to those in senior leadership positions. All spoke to Mrs Patel's strong abilities as a teacher of PE. Some also spoke very positively of her abilities as a middle leader. They spoke highly of her dedication to pupils, her drive to engage all pupils in the subject, particularly those who might not ordinarily engage, and they highlighted the many pupils and colleagues who looked up to Mrs Patel. Most of the witnesses had an understanding of the seriousness of the allegations that were before the panel and all were steadfast in their ongoing support for Mrs Patel.

The panel also considered the factual circumstances regarding the conviction and misconduct. It was clear to the panel that Mrs Patel found herself in extremely difficult personal circumstances, the origin of which, was somewhat outside of her control. The

panel was satisfied that Mrs Patel had demonstrated genuine regret and remorse regarding her actions during the hearing.

Whilst the panel considered these were significant mitigating factors, the panel did not consider they could be properly categorised as demonstrating *exceptionally* high standards in the profession or being akin to acting under *extreme* duress.

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.

This was a finely balanced case. However, 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 that no prohibition order should be imposed. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Patel of prohibition. The panel was of the view that prohibition was both proportionate and appropriate. When balancing the competing aggravating and mitigating factors, the panel considered the mitigating factors, although significant, could not sufficiently diminish the seriousness of the dishonesty element in this case, which necessitated a prohibition order to properly maintain confidence in the profession and declare and uphold its standards.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. 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 suggest a longer period before a review is appropriate. One of these behaviours includes “fraud or serious dishonesty”. Whilst the panel did not consider the mitigating factors and the public interest in retaining good teachers was sufficient in this case to prevent a recommendation that a prohibition order was not imposed, the panel was satisfied that it was sufficient to significantly move away from the starting point in the Advice and recommend that the review period should be significantly reduced to the minimum period available, namely two years. The panel was satisfied that Mrs Patel still had much to offer the teaching profession. If a prohibition order was imposed in this case with a review period, the panel would be encouraged to see Mrs Patel apply to set the order aside in due course.

Accordingly, the panel recommended to the Secretary of State that a prohibition order should be imposed, with Mrs Patel to be able to make an application to review the order after a period of two years.

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 found allegation 1 proved and found that those proven facts amount to a relevant conviction. In this case, the panel also found parts of allegation 2 and allegations 3 to 5 proved and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In this case, the panel has found some elements of allegation 2 not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Dipti Patel should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mrs Patel is in breach of the following standards in relation to the facts found proven in allegations 2 to 5:

- 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 must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mrs Patel fell significantly short of the standards expected of the profession.

The findings are particularly serious as they include a finding of dishonesty, which the panel describe as “inherently serious”.

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 or conduct likely to bring the profession into disrepute, or 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 Mrs Patel, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “The panel did not consider that Mrs Patel’s actions had a potential impact on the safety or security of pupils or members of the public.” However, the panel also said they “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 that they behave.” 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, “The panel was satisfied that Mrs Patel had demonstrated genuine regret and remorse regarding her actions during the hearing.” The panel has not commented on whether Mrs Patel demonstrated insight in relation to the facts found proven. In my judgement, the lack of any evidence of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Patel’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.” I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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 or conduct likely to bring the profession into disrepute, or 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 misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Patel herself, the panel comment “The panel heard from a number of character witnesses, most of whom were also members of the teaching profession and ranged from junior teachers to those in senior leadership positions. All spoke to Mrs Patel’s strong abilities as a teacher of PE. Some also spoke very positively of her abilities as a middle leader. They spoke highly of her dedication to pupils, her drive to engage all pupils in the subject, particularly those who might not ordinarily engage, and they highlighted the many pupils and colleagues who looked up to Mrs Patel. Most of the witnesses had an understanding of the seriousness of the allegations that were before the panel and all were steadfast in their ongoing support for Mrs Patel.” The panel also observed, “The panel also considered the

factual circumstances regarding the conviction and misconduct. It was clear to the panel that Mrs Patel found herself in extremely difficult personal circumstances, the origin of which, was somewhat outside of her control.” The panel further commented that, “Whilst the panel considered these were significant mitigating factors, the panel did not consider they could be properly categorised as demonstrating exceptionally high standards in the profession or being akin to acting under extreme duress.” A prohibition order would prevent Mrs Patel from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Patel 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 evidence of full 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 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 a two year review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would suggest a longer period before a review is appropriate. One of these behaviours includes “fraud or serious dishonesty”. Whilst the panel did not consider the mitigating factors and the public interest in retaining good teachers was sufficient in this case to prevent a recommendation that a prohibition order was not imposed, the panel was satisfied that it was sufficient to significantly move away from the starting point in the Advice and recommend that the review period should be significantly reduced to the minimum period available, namely two years. The panel was satisfied that Mrs Patel still had much to offer the teaching profession. If a prohibition order was imposed in this case with a review period, the panel would be encouraged to see Mrs Patel apply to set the order aside in due course.”

I have considered whether a longer review period or 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 allowing a two year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found and the remorse demonstrated.

I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mrs Dipti Patel is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 23 May 2025, two 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, Mrs Patel remains prohibited from teaching indefinitely.

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

Mrs Dipti Patel has a right of appeal to the King's Bench Division of the High Court

A handwritten signature in black ink, appearing to read "John Knowles". The signature is written in a cursive style with a long, sweeping underline.

Decision maker: John Knowles

Date: 16 May 2023

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