



Teaching
Regulation
Agency

Mr Veeran Nakrani: Professional conduct panel outcome

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

November 2023

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

Teacher: Mr Veeran Nakrani
TRA reference: 19137
Date of determination: 9 November 2023
Former employer: East Barnet School, Herts

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 26 and 27 June 2023 and on 9 November 2023, to consider the case of Mr Veeran Nakrani.

The panel members were Ms Susanne Staab (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist), and Ms Caroline Downes (lay panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Amalea Bourne of Browne Jacobson solicitors. The presenting officer for the TRA on 9 November 2023 was Ms Katherine Hannigan of Browne Jacobson solicitors.

Mr Nakrani was present and was not represented on 26 and 27 June 2023 and 9 November 2023.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 April 2023.

It was alleged that Mr Veeran Nakrani was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a science teacher at East Barnet School ('the School'):

1. In or around May 2019, he:
 - a. Purchased and/or supplied to Child A;
 - i. E-cigarette equipment
 - ii. Tetrahydrocannabinol (THC)
 - b. Smoked THC with Child A during a tutorial session
 - c. Permitted Child A to film him smoking an electronic cigarette during a tutorial session
 - d. Exchanged inappropriate messages and videos with Child A via SnapChat, which included:
 - i. The use of racist language.
 - ii. Discussions about purchasing e-cigarette equipment.
 - iii. Sharing a video clip of him smoking e-cigarette equipment in Child A's presence.

Mr Nakrani admitted allegation 1c, allegation 1d.i. and amended allegation 1d.iii. During the hearing, Mr Nakrani further admitted that he purchased e-cigarette equipment and allegation 1d.ii. In relation to the admitted allegations, Mr Nakrani further admitted that those allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Redactions

At the outset of the hearing, the presenting officer stated that information at page 115 of the bundle should have been redacted. The presenting officer stated that this information was not relevant and asked the panel to put it from their minds.

The panel considered that its focus over the course of the hearing would be upon whether the evidence heard and admissible documents were sufficient to prove that it is more probable than not that the alleged facts occurred. The panel determined that it was able to put the redacted information out of their minds to uphold the teacher's right to a

fair hearing. This was an experienced and trained panel, well used to putting evidence from its minds when reaching its decisions.

Amending the allegations

An application was made by the presenting officer to amend the Notice of Proceedings by amending the following allegations:

1. Allegation 1b to state smoked THC and/or cannabis oil and/or cannabis with Child A during a tutorial session;
2. The stem of allegation 1d to state exchanged one or more inappropriate messages and/or videos with Child A via SnapChat, which included;
3. Allegation 1d.iii. to state Child A sharing a video clip of you smoking e-cigarette equipment in Child A's presence.

Before making an amendment, the panel was required to consider any representations made by the presenting officer and by the teacher, and the parties were afforded that opportunity. The teacher did not object to the application.

In relation to the amendments to allegation 1d and 1d.iii., the panel considered that the amendments proposed did not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently had the amendments been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The amendments clarified the allegations and reflected the evidence in the bundle. The panel considered it in the interests of justice to amend the allegation to prevent it failing as a result of poor drafting.

In relation to the amendment to allegation 1b, the panel was concerned that the amendment proposed altered the scope of the allegation. The amendment would change the factual basis of the allegation and the teacher may have presented his case differently had the amendment been made at an earlier stage. The panel did not consider that it would be in the interests of justice to amend the allegation. The presenting officer had ample opportunity to formulate the allegations in advance of the hearing and to amend the allegations at the late stage would cause unfairness to the teacher.

The panel therefore decided to amend the allegations as follows:

1. In or around May 2019, you:
 - a. Purchased and/or supplied to Child A;
 - i. E-cigarette equipment
 - ii. Tetrahydrocannabinol (THC)
 - b. Smoked THC with Child A during a tutorial session

- c. Permitted Child A to film you smoking an electronic cigarette during a tutorial session
- d. Exchanged one or more inappropriate messages and/or videos with Child A via SnapChat, which included:
 - i. The use of racist language.
 - ii. Discussions about purchasing e-cigarette equipment.
 - iii. Child A sharing a video clip of you smoking e-cigarette equipment in Child A's presence.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 6

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

Section 3: Teaching Regulation Agency witness statements – pages 21 to 89

Section 4: Teaching Regulation Agency documents – pages 91 to 133

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 individual, called by the TRA:

- Witness A, [REDACTED]

Mr Nakrani also gave evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Nakrani had been employed at East Barnet School (the 'School') since 1 September 2013 as a teacher of science. On 24 May 2019, the Local Authority Designated Officer made the School aware of an allegation made by Individual A [REDACTED]. Individual A had found Snapchat messages and a video on the Child A's phone, and alleged that Mr Nakrani had been smoking cannabis with Child A and that the Child A had been using Mr

Nakrani's bank card to purchase smoking paraphernalia, such as vaping equipment, vaping pods and THC. The School commenced its disciplinary process and Mr Nakrani was suspended and subsequently dismissed.

Findings of fact

The findings of fact are as follows:

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

1. In or around May 2019 you:

a. purchased and/or supplied to Child A;

i. E-cigarette equipment

Mr Nakrani admitted that he purchased e-cigarette equipment, but denied that he had supplied e-cigarette equipment to Child A.

The panel had sight of screenshots of Snapchat messages in the bundle and Mr Nakrani confirmed during oral evidence that the screenshots were of a conversation between himself and Child A.

The screenshots showed Child A asking Mr Nakrani, "Can u go 2 a shop an pick up some THICK cigarette papers cuz I'll probably be out by tomorrow" (sic). The next message in the screenshot was Mr Nakrani saying to Child A "I have pods no thc". The screenshot messages also show Child A stating "I have a guy £20 a bottle got 2 use ur card tho + £5 shipping" and separately stating "I owe u £65 now" (sic).

Mr Nakrani stated that Snapchat automatically deletes messages and the screenshots were not a clear trail of the messages between Mr Nakrani and Child A. During oral evidence, Mr Nakrani stated that Individual B would pay Mr Nakrani in cash for the tutorial sessions. Mr Nakrani could not recall why Child A stated that he owed him money, but assumed it was for one of the tutorial lessons.

The panel accepted that it was possible that not all of the Snapchat messages between Mr Nakrani and Child A had been saved. However, the panel considered that, on the balance of probabilities, the screenshots of the Snapchat messages showed that Mr Nakrani had purchased and supplied e-cigarette equipment to Child A. There was a clear exchange of messages in relation to e-cigarette equipment, prices and Child A owing Mr Nakrani money.

The allegation was therefore, found proved.

c. permitted Child A to film you smoking an electronic cigarette during a tutorial session

The panel had sight of documents from the School's disciplinary investigation. During oral evidence, Witness A explained that she had taken notes during an investigation meeting with Mr Nakrani and sent a copy of those notes to him for him to review and comment. These notes stated that during the investigation meeting, Mr Nakrani had been shown an image taken by Child A of Mr Nakrani sat at a desk with a 'vape' in his mouth. Mr Nakrani had said that the vape was not charged and had said that he did not smoke because of a medical condition.

During oral evidence, Witness A explained that they had spoken with Individual A via telephone and Individual A referred to a video. The image shown to Mr Nakrani during the investigation meeting was a still from this video. Witness A, who was conducting the disciplinary investigation, asked Individual A for a copy of this video and Individual A had sent across a recording they had taken of the video playing on a separate mobile phone.

The panel had sight of a video, which showed Mr Nakrani holding an electronic cigarette and putting this to his mouth, inhaling and exhaling smoke. During oral evidence, Mr Nakrani accepted that he had smoked an electronic cigarette on this one occasion only during a tutorial session, having previously stated during the disciplinary investigation when shown a still of the video that the 'vape' was not charged.

The allegation was therefore, found proved.

d. exchanged one or more inappropriate messages and/or videos with Child A via SnapChat, which included:

- i. The use of racist language.**
- ii. Discussions about purchasing e-cigarette equipment.**
- iii. Child A sharing a video clip of you smoking e-cigarette equipment in Child A's presence.**

During the hearing, Mr Nakrani admitted this allegation in its entirety.

In the bundle, the panel had sight of screenshots of a Snapchat conversation and in oral evidence Mr Nakrani confirmed that these messages were between himself and Child A.

One of the screenshots showed Mr Nakrani allegedly using a racist term. In oral evidence, Mr Nakrani stated that he did not use this word in a racist context, but was trying to use street language. The panel considered the term used by Mr Nakrani to be an inherently racist term and not appropriate for a teacher to send to a tutee.

The screenshots of the Snapchat messages also included discussions about purchasing e-cigarette equipment. For example, the Snapchat messages included Child A sending links to online websites, with reference to 'Batteries-for-Smok' and 'Cigarettes-Starter-Black' in the links. Child A also stated "I'll let u [sic] try it best vape on the market" and

asked Mr Nakrani to go to a shop and pick up some thick cigarette papers. Mr Nakrani had also sent Child A, a post confirmation of sunglasses purchased from 'Smoking Shades'. During oral evidence, Witness A explained she had researched the website Smoking Shades and the sunglasses had a hidden compartment which could be used to vape. The panel did not consider there to be a reasonable or appropriate explanation for Mr Nakrani sharing such information with Child A. The panel considered the screenshots of the Snapchat messages to show Mr Nakrani exchanging inappropriate messages with Child A in relation to the purchasing of e-cigarette equipment.

The screenshots of the Snapchat messages included a still from a video, sent by Child A to Mr Nakrani, of Mr Nakrani smoking e-cigarette equipment in Child A's presence, as found proven at allegation 1c.

This allegation was therefore, found proved.

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

1. In or around May 2019 you:

a. purchased and/or supplied to Child A;

ii. Tetrahydrocannabinol (THC)

Mr Nakrani denied this allegation, both throughout the School's disciplinary investigation and the TRA proceedings.

The panel had sight of screenshots from Snapchat messages between Mr Nakrani and Child A. These screenshot messages made reference to 'THC' and Child A shared what appeared to be a 'menu' of THC products.

However, the panel was not provided with sufficient evidence to determine that Mr Nakrani purchased and/or supplied tetrahydrocannabinol to Child A. Although there was an exchange of messages in relation to THC, it was not clear that this exchange related to the purchase and/or supply of THC to Child A.

The allegation was therefore, found not proved.

b. smoked THC with Child A during a tutorial session

Mr Nakrani denied this allegation, both throughout the School's disciplinary investigation and the TRA proceedings.

Mr Nakrani accepted that he had admitted to Individual A that he had smoked cannabis with Child A. However, Mr Nakrani stated that he only admitted this as Individual A had confronted him at his parents' house in an aggressive manner, which was causing distress to Individual C, and he needed Individual A to leave. During the School's

disciplinary investigation and in oral evidence, Mr Nakrani stated that he called Individual A the next day to retract this statement.

The panel was not provided with sufficient evidence to determine, on the balance of probabilities, that Mr Nakrani smoked THC with Child A during a tutorial session. The panel was provided with a video of Mr Nakrani smoking an e-cigarette during a tutorial, as found proven at allegation 1c, but there was no evidence that the e-cigarette contained THC.

The allegation was therefore, found not proved.

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

Having found a number of the allegations 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 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 Mr Nakrani, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Nakrani 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
 - ... at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- 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 had found that Mr Nakrani had purchased and supplied Child A with e-cigarette equipment, against the statutory frameworks. The panel considered that Mr Nakrani had been complicit in allowing Child A to film him with e-cigarette equipment and effectively condone unsafe behaviour in what could be viewed as glorifying the use of e-cigarette equipment. In doing so, and in exchanging inappropriate messages with Child A, the panel was satisfied that Mr Nakrani had not observed the proper boundaries

appropriate to a teacher's professional position and had acted contrary to the School's ethos, policies and practices.

The panel also noted Mr Nakrani's use of racist language, which was wholly unacceptable and did not show respect for the rights of others.

The panel was satisfied that the conduct of Mr Nakrani, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Nakrani was in breach of the safeguarding provisions within KCSIE, namely the responsibility on teachers to safeguard pupils, for practitioners to be child-centred and consider at all times what is in the best interests of the child.

The panel was satisfied that the conduct of Mr Nakrani fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Nakrani's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

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.

The panel noted that the allegations 1a.i. and 1d took place outside the education setting. The panel considered that Mr Nakrani's conduct affected the way in which he fulfilled his teaching role and may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way, as Mr Nakrani had engaged in discussions with Child A about electronic cigarettes and, in the nature of his discussions and in the recorded video, could be seen to have been glorifying the use of electronic cigarettes to pupils.

Accordingly, the panel was satisfied that Mr Nakrani was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that Mr Nakrani's conduct could potentially damage the public's perception of a teacher. Through his conduct, Mr Nakrani could be seen as encouraging young persons to use electronic cigarettes and he did not act as a role model for pupils.

The panel therefore found that Mr Nakrani's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegation 1a.i., 1c and 1d proved, the panel further found that Mr Nakrani's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Nakrani and whether a prohibition order is necessary and proportionate. 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 safeguarding and wellbeing of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also found the interest of retaining the teacher in the profession to be relevant.

In the light of the panel's findings against Mr Nakrani, which involved purchasing e-cigarette equipment, permitting Child A to film him smoking an electronic cigarette during a tutorial session and exchanging inappropriate messages with Child A via Snapchat, there was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given the use of electronic cigarettes during a tutorial session and exchanging inappropriate messages including the use of racist language. However, the panel considered that going forwards, Mr Nakrani would not repeat his actions.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Nakrani 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 Mr Nakrani was outside that which could reasonably be tolerated.

The panel decided that there was a clear public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. Mr Nakrani taught science and there is an acute shortage of science specialists. During oral evidence, Witness A described Mr Nakrani as a 'keen' teacher, who was passionate about his role, and that she did not know of anything else of concern on his teaching record.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position or trust (particularly involving vulnerable pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

Although Mr Nakrani had not been charged or cautioned with a criminal offence, the panel understood the purchasing of electronic cigarettes for an individual under the age of 18 to be a criminal offence, and were mindful of the potential harmful effects electronic cigarettes may have on children. Although Mr Nakrani had stated that Child A was already familiar with electronic cigarettes prior to his [REDACTED] tutorial sessions with him, the panel considered that Mr Nakrani had been placed in a position of trust by the child's parents and had abused this trust.

Nevertheless, the panel did not consider that there was a continuing risk to the education or wellbeing of pupils. Mr Nakrani had outlined in oral evidence that he would repeat his safeguarding training and would not make the same mistakes again. In oral evidence, Witness A, who had conducted the disciplinary investigation, stated that during the School's disciplinary investigation, Mr Nakrani was remorseful and accepted that he had not acted in accordance with the standard expected of a teacher. Mr Nakrani had agreed

at the outset of the case that his conduct, as accepted, amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and/or whether there were mitigating circumstances.

The panel found Mr Nakrani's actions to be deliberate. He exchanged inappropriate messages with Child A using racist language and relating to the purchase of electronic cigarette equipment, as well as purchasing and supplying electronic cigarette equipment to Child A.

There was no evidence to suggest that Mr Nakrani was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel considered that Mr Nakrani had acted out of a misguided attempt to gain Child A's trust and respect.

Mr Nakrani did have a previously good history, although there was no evidence of him having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel accepted that the incident was out of character. The incident took place outside of the school setting and the panel considered that Mr Nakrani would not have acted in such a manner in a school setting.

The panel saw no evidence that showed Mr Nakrani was previously subject to disciplinary proceedings or warnings.

Although the panel saw evidence of good character, it noted that no recent references were provided from any colleagues that could attest to Mr Nakrani's abilities as a teacher. The panel were provided with references made as part of Mr Nakrani's job application in 2013, which were positive in terms of Mr Nakrani's teaching ability and described him as being an "outstanding candidate". During evidence, Witness A spoke positively of Mr Nakrani's abilities as a teacher.

The panel had sight of the notes from the School's disciplinary hearing, during which Mr Nakrani had stated that he had redone his training for 'E-Prevent' and had also completed the online Level 1 Course on Child Protection, wanting to show that he was "proactive and 100% cared about safeguarding, doing what he could to engage with the latest training available". In oral evidence, Mr Nakrani stated that he had reflected on and learnt from his mistakes and had matured during the last 4 years. He outlined that he would seek help from peers and senior team members, should he be unsure about how to act in certain situations in the future, if he was to return to teaching.

The panel was conscious that the jeopardy of the threat of prohibition and its subsequent imposition had been present for some considerable time, as the allegations came to light

in May 2019, and that if a prohibition order was imposed now, it would appear to have a greater punitive effect since Mr Nakrani would be unable to apply to return to the profession for at least another two years. The panel considered that the period of time in which Mr Nakrani had been awaiting the final outcome of this case had been a sobering time. The panel considered that Mr Nakrani is now only too well aware of the consequences of his actions on the pupils, his colleagues, himself and his family and therefore concluded that the risk of repetition was now negligible.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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 some of the allegations proven 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 also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Veeran Nakrani 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
 - ... at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- 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 was satisfied that the conduct of Mr Nakrani involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Nakrani fell significantly short of the standards expected of the profession.

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 Mr Nakrani, 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 and safeguard pupils. The panel has observed, "The panel noted that the allegations 1a.i. and 1d took place outside the education setting. The panel considered that Mr Nakrani's conduct affected the way in which he fulfilled his teaching role and may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way, as Mr Nakrani had engaged in discussions with Child A about electronic cigarettes and, in the nature of his discussions and in the recorded video, could be seen to have been glorifying the use of electronic cigarettes to 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 set out as follows, "Nevertheless, the panel did not consider that there was a continuing risk to the education or wellbeing of pupils. Mr Nakrani had outlined in oral evidence that he would repeat his safeguarding training and would not make the same mistakes again. In oral evidence, Witness A, who had conducted the disciplinary investigation, stated that during the School's disciplinary investigation, Mr Nakrani was remorseful and accepted that he had not acted in accordance with the standard expected of a teacher. Mr Nakrani had agreed at the outset of the case that his conduct, as accepted, amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute."

The panel also recorded that, "In oral evidence, Mr Nakrani stated that he had reflected on and learnt from his mistakes and had matured during the last 4 years. He outlined that he would seek help from peers and senior team members, should he be unsure about how to act in certain situations in the future, if he was to return to teaching."

In my judgement, the insight and remorse demonstrated by Mr Nakrani means that I agree with the panel that there is limited risk of the repetition of this behaviour. 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 panel considered that Mr Nakrani's conduct could potentially damage the public's perception of a teacher. Through his conduct, Mr Nakrani could be seen as encouraging young persons to use electronic cigarettes and he did not act as a role model for pupils." I am particularly mindful of the panel's finding that Mr Nakrani had not observed the proper boundaries appropriate to a teacher's professional position, and the use of racist language, 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, 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 Mr Nakrani himself. The panel commented that, "Mr Nakrani did have a previously good history, although there was no evidence of him having demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel accepted that the incident was out of character. The incident took place

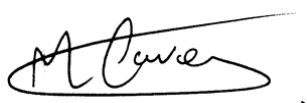
outside of the school setting and the panel considered that Mr Nakrani would not have acted in such a manner in a school setting.”

The panel also set out that, “Although the panel saw evidence of good character, it noted that no recent references were provided from any colleagues that could attest to Mr Nakrani’s abilities as a teacher. The panel were provided with references made as part of Mr Nakrani’s job application in 2013, which were positive in terms of Mr Nakrani’s teaching ability and described him as being an “outstanding candidate”. During evidence, Witness A spoke positively of Mr Nakrani’s abilities as a teacher.”

A prohibition order would prevent Mr Nakrani from teaching. A prohibition order would also clearly deprive the public of his 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 concerning the degree of insight and remorse demonstrated by Mr Nakrani and that, as a consequence, the risk of a repeat of his behaviour appears very low. The panel has said, “The panel considered that the period of time in which Mr Nakrani had been awaiting the final outcome of this case had been a sobering time. The panel considered that Mr Nakrani is now only too well aware of the consequences of his actions on the pupils, his colleagues, himself and his family and therefore concluded that the risk of repetition was now negligible.” I have also noted the panel’s conclusion that the nature and severity of the behaviour were at the less serious end of the possible spectrum.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



Decision maker: Marc Cavey

Date: 13 November 2023

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