



Teaching  
Regulation  
Agency

# **Mr Arpan Dutta: Professional conduct panel outcome**

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

**July 2022**

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

<b>Teacher:</b>	Mr Arpan Dutta
<b>Teacher ref number:</b>	0500618
<b>Teacher date of birth:</b>	10 December 1978
<b>TRA reference:</b>	19494
<b>Date of determination:</b>	18 to 19 July 2022
<b>Former employer:</b>	St Andrew the Apostle Greek Orthodox School, London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 18-19 July 2022 to consider the case of Mr Arpan Duta.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Aisha Miller (teacher panellist) and Ms Sue Davies (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr David Collins of Capsticks LLP solicitors.

Mr Dutta was present and was represented by Ms Susanna Thompson, a regional official of the NASUWT.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 19 May 2022 (as amended).

It was alleged that Mr Dutta was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst employed as a teacher at St Andrew the Apostle Greek Orthodox School he;
  - a. On Monday 3 June 2019 on or around 6:27am, falsely reported he was sick to the Head teacher in that he said "I am afraid I have terrible diarrhoea since early morning. I won't be able to come in today" or words to that effect, when he was in the United States;
  - b. Refused to provide his flight details to Mr Rob Ahearn, the head teacher, when requested to do so;
  - c. By his actions as set out in allegation 1(a), submitted a false claim for sick leave;
2. Provided inaccurate and/or misleading information and/or failed to disclose previous employment in his employment application form furnished to St Andrew the Apostle Greek Orthodox School.
3. By his acts and/or omissions as set out in allegation 2, failed to ensure that safe recruitment practices could be followed by St Andrew the Apostle Greek Orthodox School as they were unable to seek references.
4. By his actions as set out in allegations 1 and/or 2, was dishonest.

Mr Dutta accepted the facts of allegations 1, 2 and 3. He denied that this conduct was dishonest in any respect and allegation 4 was denied.

Mr Dutta also denied that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## Preliminary applications

The panel agreed to a request by the presenting officer to remove reference to "*and/or 3*" within the wording of allegation 4, on the basis that this had been included in error. The correct wording was included in the Statement of Agreed Facts.

## Summary of evidence

### Documents

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

Section 1: Chronology and list of key people – pages 4 to 5

Section 2: Notice of proceedings – pages 6 to 9

Section 3: Teaching Regulation Agency witness statements – pages 10 to 15

Section 4: Teaching Regulation Agency documents – pages 16 to 129

Section 5: Teacher documents – pages 130 to 138

In addition, the panel agreed to accept two additional references submitted by Mr Dutta at the start of the hearing. They were included within the bundle at pages 142-143.

The panel members confirmed they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

### Witnesses

The panel heard oral evidence from Witness A called by the presenting officer. Witness A is a [redacted] in the Russell Education Trust, [redacted] of the St Andrew Apostle Greek Orthodox School.

Mr Dutta also gave evidence to the panel.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

### Introduction

Mr Dutta was formerly employed as a teacher at St Andrew Apostle Greek Orthodox School ("the School"). The School is the only state-maintained Greek Orthodox secondary school in the UK. It is an academy, which opened as a free school in 2013 under the auspices of the Russell Education Trust.

Mr Dutta successfully applied for the role of business studies teacher on a fixed term contract from January to August 2019. This followed an interview in November 2018. Mr Dutta formally commenced employment at the School on 7 January 2019.

On 3 June 2019, Mr Dutta reported to the School that he was sick and unable to come into work.

However, the School became aware of information indicating that Mr Dutta was, in fact, in the United States up to and including the morning of 5 June 2019.

Mr Dutta subsequently returned to work on 5 June 2019 and was asked to provide details of his flight from the United States, which he declined to do.

Mr Dutta subsequently left his employment at the School.

On 24 February 2020, Mr Dutta was also referred to the LADO within Barnet and Hertfordshire councils. This was on the basis that the School believed inaccurate information had been provided by Mr Dutta as part of his application to the School.

On 12 August 2020, Mr Dutta was referred to the TRA.

## **Evidence considered by the panel**

The panel carefully considered all of the written and oral evidence presented. It accepted the legal advice provided.

The panel heard oral evidence from Witness A who was called by the presenting officer. Witness A was [redacted] in the Russell Education Trust, [redacted] of the School.

Mr Dutta attended the hearing and was represented. He gave oral evidence to the panel.

A Statement of Agreed Facts was submitted in which Mr Dutta admitted the facts of allegations 1, 2 and 3. He did not admit that this conduct was dishonest in any respect and allegation 4 was, therefore, denied.

Mr Dutta also denied that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Insofar as there were references to opinions expressed during the course of the earlier investigation, the panel formed its own, independent view of the allegations based on the evidence presented to it.

## **Findings of fact**

The findings of fact are as follows:

**1. Whilst employed as a teacher at St Andrew the Apostle Greek Orthodox School you;**

**a. On Monday 3 June 2019 on or around 6:27am, falsely reported you were sick to the Head teacher in that you said "I am afraid I have terrible diarrhoea since early morning. I won't be able to come in today" or words to that effect, when you were in the United States;**

**b. Refused to provide your flight details to Mr Rob Ahearn, the head teacher, when requested to do so;**

**c. By your actions as set out in allegation 1(a), submitted a false claim for sick leave;**

Mr Dutta admitted the facts of allegations 1(a) to (c).

Mr Dutta accepted that he:

- Acted inappropriately in reporting sickness on a day when he was not in the country.
- Sent an email on 3 June 2019, claiming the reason he would not be in school that day was because he had "*terrible diarrhoea*".
- Was actually in the United States at the time the email was sent, such that his report to the School was false.
- Did not provide flight details to the headteacher when asked to do so.
- Falsely claimed for sick leave as a consequence of his actions.

Mr Dutta added that whilst there was no excuse for his actions, he felt under stress at the time, as he believed his job was under threat.

In light of Mr Dutta's admissions, which were consistent with the other evidence before the panel, allegations 1(a) to (c) were found proved.

**2. Provided inaccurate and/or misleading information and/or failed to disclose previous employment in your employment application form furnished to St Andrew the Apostle Greek Orthodox School.**

During the course of enquiries undertaken by the School, it was noted that Mr Dutta appeared to have provided incorrect information within his employment application.

Specifically, there was a concern about the accuracy of purported dates of employment and whether all previous employers had been included.

It was noted that the information provided was different to Mr Dutta's pension records and LinkedIn profile, both of which were included in evidence.

The School subsequently prepared a spreadsheet identifying perceived discrepancies and proceeded to obtain confirmation of employment dates from previous employers, which the panel carefully considered.

In particular, Mr Dutta omitted to refer to two schools he was previously employed at, JCoSS (Jewish Community Secondary School) and Bishop Perowne College. Rather than refer to these schools, the dates of employment at other schools were extended to cover the time periods in question. The dates of Mr Dutta's purported employment at other schools were also, therefore, incorrectly set out.

Mr Dutta's position was that he was less than careful in ensuring that the dates of all employment were correct. He did not accept that he provided any misleading information intentionally, to gain an undue advantage or to hide any wrongdoing.

Allegation 2 was therefore admitted on this specific basis.

In light of Mr Dutta's admission, which was consistent with the other evidence before the panel, it therefore found allegation 2 proved. The application form submitted by Mr Dutta to the School did include inaccurate and misleading information regarding his employment history and he did fail to disclose his full, previous employment history.

**3. By your acts and/or omissions as set out in allegation 2, failed to ensure that safe recruitment practices could be followed by St Andrew the Apostle Greek Orthodox School as they were unable to seek references.**

It was submitted that a consequence of Mr Dutta's actions in relation to allegation 2 was that a reference was not sought from a recent, previous employer excluded from his application form.

Witness A gave evidence that the School's policy is that a candidate's full employment history must be provided and it routinely contacts candidates' two most recent employers to obtain references. It was stated that this was compliant with 'Safer Recruitment' requirements.

In relation to Mr Dutta's application, as noted above, it did not refer to JCoSS (Jewish Community Secondary School) where, it subsequently transpired, Mr Dutta worked from September 2016 to December 2016.

As such, no reference was sought from that organisation. Rather, references were sought from the Heron Hall Academy and The Swaminarayan School. In relation to the latter, Mr Dutta worked at the School from September 2012 to August 2015.



Mr Dutta accepted that he failed to list his complete employment history. He also accepted that this prevented the School reviewing his full history and undertaking and following its safer recruitment practices and requirements

However, Mr Dutta's position was that this was a genuine mistake. He stated:

*"I did not mean to cause any harm or difficulty for [the School]. Neither was it an attempt to hide any wrongdoing. This was an oversight and mistake on my part. As stated, there were no problems in my time at JCROSS or any other school."*

In light of Mr Dutta's admission, which was consistent with the other evidence before the panel, allegation 3 was found proved.

#### **4. By your actions as set out in allegations 1 and/or 2, were dishonest.**

Having found allegations 1 and 2 proved, the panel went on to consider whether Mr Dutta's actions were dishonest.

In determining whether his conduct was dishonest, the panel considered Mr Dutta's state of knowledge or belief as to the facts, before determining whether his conduct was dishonest by the standards of ordinary decent people.

Mr Dutta denied that he was dishonest in any respect.

In relation to allegation 1, he accepted that his actions fell below his own standards and that he acted inappropriately in reporting sickness on a day when he was not in the country. He asserted this was a one-off incident that occurred during a period when he was suffering from what he described as extreme stress.

In relation to allegation 2, Mr Dutta's position was that he made a genuine mistake in omitting his full employment details. He stated, in particular:

*"I completed the form from memory and struggled to recall these dates. I apologise again for this honest, uninformed mistake and will ensure more care in the future to ensure accuracy."*

The panel first considered the facts found proven in allegations 1(a) to (c). It considered those particulars together given they were so closely linked. This was, in essence, a single episode in relation to which these were distinct, linked elements.

The effect of Mr Dutta's admissions and evidence to the panel was that he had lied about being unwell. He expressly used the word "lie" with reference to his actions during the course of cross-examination. This lie led, in turn, to a false claim for sickness leave being submitted. He had not been unwell and was, on his own admission, still in the United States when he contacted the School on 3 June 2019.

The panel also considered that Mr Dutta compounded that lie when he declined to provide details of his flight in response to a reasonable request, at a time when the School was still undertaking preliminary enquiries. Plainly, had he done so, the timing of his return to the UK would have been revealed.

The panel accordingly concluded that Mr Dutta had positively and deliberately misled the School. Given the circumstances, the panel also considered it was more likely than not that this was a premeditated course of conduct on the part of Mr Dutta. The panel concluded it was more likely than not that Mr Dutta knew, prior to his departure to the United States, that he was not going to be flying home on 3 June 2019 and, therefore, that he was not going to be able to attend the School on that date.

Further, Mr Dutta did not immediately reveal his lie upon his return to the School, despite being directly asked for his flight details. It followed that he deliberately concealed information which would have revealed his actions. Mr Dutta came very close to accepting this in oral evidence, whereby he asserted that he acted at least in part due to his fear for the potential consequences for his position at the School.

The panel therefore concluded that Mr Dutta's conduct in relation to allegation 1, considered in its entirety, amounted to a deliberate deception, which was dishonest by the standards of ordinary decent people. The School was expecting Mr Dutta to return on 3 June 2019 to undertake his duties and his actions had a consequential impact on the School. Mr Dutta was also paid for one of the days in question when he purported to be sick. He accordingly stood to benefit from his deception even if the panel considered that may not have been at the forefront of his mind. It was open to Mr Dutta to have sought unpaid leave and he clearly chose not to do so.

Accordingly, the panel was satisfied, on the balance of probabilities, that Mr Dutta's actions pursuant to allegation 1 were dishonest.

The panel next considered its findings in relation to allegation 2.

It was not in dispute that the information provided by Mr Dutta, in his application form submitted to the School, was inaccurate and misleading.

On behalf of the TRA, it was submitted that Mr Dutta's actions were also dishonest, particularly having in mind that:

- Mr Dutta was an experienced teacher.
- He had applied for positions at a number of previous schools.
- He had a general awareness of safeguarding issues and had acknowledged the importance of providing accurate information in applications of this nature.
- The misleading elements concerned not just the inclusion of misleading dates but extended to two previous employers being omitted entirely.
- In relation to the most recent employment, namely with JCoSS, Mr Dutta accepted that he had this in mind at the time he completed the form and chose not to include reference to it.
- Mr Dutta had altered the dates of other periods of employment to cover the time when he was working at those schools that were omitted.

Mr Dutta's position was that his actions were not deliberate but were a consequence of the circumstances in which the application was completed, specifically at School on short notice.

However, the panel considered this explanation was undermined by his oral evidence, particularly in that Mr Dutta accepted he consciously chose not to refer to JCoSS when completing the application form.

On balance, the panel was also not persuaded by Mr Dutta's explanation for the omission of his earlier employment at Bishop Perowne College. It concluded that it was implausible that Mr Dutta could forget a position of this nature, spanning some 2 years early in his career.

That conclusion was rendered more likely by the fact that Mr Dutta amended dates of other, declared employment. This had the effect of concealing the periods of time when he was working elsewhere.

The panel did take into account that the application form was completed after the event, retrospectively, in that Mr Dutta had already been appointed to this position. It accepted Mr Dutta's account that he was asked to complete the application form at the end of the school day.

However, on balance, the panel was satisfied that Mr Dutta's actions were dishonest.

It was satisfied that Mr Dutta's actions were deliberate. For whatever reason, he presented an employment history that he knew was not accurate. In relation to JCoSS, Mr Dutta admitted he was aware of this period of employment and chose not to include it. It followed that he acted consciously. Mr Dutta positively chose not to include information that he knew was not accurate, in circumstances where he must have known this was information that was potentially material to the School.

The panel concluded this was dishonest by the standards of ordinary decent people.

The panel therefore found allegation 4 proved in relation to allegations 1 and 2.

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

Having found all 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 Dutta, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Dutta 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.
- 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 also considered whether Mr Dutta's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

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 considered that the offence of fraud or serious dishonesty was relevant. The panel will need to make an assessment, in due course, as to the gravity of Mr Dutta's behaviour in the specific circumstances of this case, recognising that there are different forms of dishonesty. For present purposes, the panel was satisfied that Mr Dutta's dishonest conduct could not be regarded as trivial or inconsequential. With reference to the misleading information provided in his application form, Mr Dutta's conduct included elements that could be regarded as fraudulent. In relation to his conduct in relation to allegation 1, Mr Dutta also acted, in essence, for personal gain.

Over and above these matters, Mr Dutta held a position of trust and responsibility as an educator and as an employee. It was incumbent upon him to be open and honest and to act with integrity at all times. He was also a role model to his pupils.

In light of the panel's findings, Mr Dutta had clearly breached his obligations in this regard. In each of the respects found proved, he acted dishonestly, which was particularly serious.

For these reasons and in relation to each of these allegations, considered individually and together, the panel was satisfied that the conduct of Mr Dutta amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Dutta's conduct was such that it may bring the profession into disrepute, 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.

For the same reasons outlined above, the findings of misconduct are serious. The conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1 to 4 proved, the panel further found that Mr Dutta'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 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 a 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 and the declaring and upholding proper standards of conduct.

In the light of the panel's findings of dishonesty, which concerned distinct episodes and not an isolated incident, there was a strong public interest consideration in terms of public confidence in the profession. Public confidence could be seriously weakened if conduct such as that found against Mr Dutta were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was also of the view that there was a strong public interest consideration in declaring proper standards of conduct in the profession, as the conduct found against Mr Dutta was outside that which could reasonably be tolerated.

The panel also considered there was a public interest element in retaining Mr Dutta in the profession, even if it could not be said to be a particularly strong consideration in this case. In particular, there was no evidence before the panel that he was someone who ought to be regarded as an outstanding practitioner. For example, Mr Dutta had not provided a great deal of information by way of character references and testimonials.

However, the allegations in this case did not concern Mr Dutta's performance in the classroom and nor did his actions directly concern or impact on learners. The panel proceeded on the basis that Mr Dutta was a competent practitioner, whereby his abilities as a teacher were not in doubt. There was a public interest in qualified, presumed competent teachers remaining in the profession and this would have to be considered alongside the other public interest considerations Mr Dutta's actions gave rise to.

In view of the 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 Mr Dutta.

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 Mr Dutta.

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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests; and
- collusion or concealment including lying to prevent the identification of wrongdoing.

Even though some of the behaviours 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.

In the light of the panel's findings, it considered the following mitigating factors were present in this case:

- Mr Dutta had an otherwise unblemished record in that there was no evidence that Mr Dutta had been subject to any previous regulatory or disciplinary proceedings.
- There had been no evidence of a repetition in the period since his referral to the TRA and no, known, prior incidents of the same or similar nature.

- In relation to the panel's findings in allegation 2, there was no evidence that Mr Dutta was seeking to hide any instances of misconduct, safeguarding issues or other poor behaviour in relation to the school's that were omitted.
- From the evidence available, the panel accepted that there were no serious consequences to Mr Dutta's dishonest conduct, in either respect as found proved.
- In relation to the panel's findings in allegation 1, there was a suggestion that Mr Dutta was suffering from some workplace-related stress at the time, albeit this was not supported by medical evidence.
- Mr Dutta had fully engaged in these proceedings and admitted the majority of the allegations. He gave oral evidence to the panel and subjected himself to questioning. Whilst Mr Dutta continued to deny that he had acted dishonestly, he was entitled to do so and the panel did not consider that as an aggravating feature *per se*. Mr Dutta had apologised for his actions and recognised and accepted that he had fallen short of the standards expected of him. To that extent, Mr Dutta had shown some regret and remorse.
- There was no direct impact on learners' education or safeguarding as a result of Mr Dutta's actions.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Dutta's actions amounted to a clear breach of the Teachers' Standards.
- Mr Dutta's actions were deliberate and he was not acting under duress.
- In relation to his conduct in allegations 2 and 3, Mr Dutta evidenced a lack of understanding of safeguarding issues, specifically in terms of the importance of including accurate information within applications for employment to schools. His actions deprived the School of the opportunity to fully test his employment history and whilst there were no known failings of a safeguarding nature at any of his previous schools, the broad principle remains prescient.
- Mr Dutta was an experienced teacher and was in a position of responsibility, as a trusted employee, and a role model. He ought to have known what was expected of him and conducted himself accordingly.
- The panel's findings concerned two distinct episodes of dishonesty. This was not an isolated incident and there was an element of premeditation.
- Although Mr Dutta has shown some insight into the implications and effect of his failings, this was limited and far from complete. The panel considered that Mr

Dutta did not show a clear understanding of the impact of his actions, particularly upon the School. His insight was therefore, at best, emerging and he focussed more upon himself than the impact of his actions. Whilst the panel had in mind the fact that Mr Dutta was perfectly entitled to deny that he had acted dishonestly, it did have concerns as to his understanding of what honesty meant. For example, in relation to allegation 1, he accepted that he lied without accepting this meant he was dishonest, which was difficult to reconcile.

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.

The nature of the proven conduct in this case was serious, for the reasons outlined, and the panel's decision was very finely balanced.

However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case for the following reasons in particular.

First, the panel considered that the dishonesty it found proved was not at the serious end of the spectrum. Whilst the panel concluded that it could not be categorised as trivial or inconsequential, it was certainly not a case where there were serious consequences.

In relation to allegation 1, the panel considered that if this was the only element before it the issue would be more straightforward. Whilst there was an element of covering up or concealment in relation to Mr Dutta's actions in relation to allegation 1(c), the principle mischief was the original falsehood and his refusal to provide details of his flight was consequential to this, albeit it also reflected badly upon him.

However, the dishonest conduct in relation to allegation 1 was compounded by the failings found proved pursuant to allegation 2, which the panel considered to be, on balance, the more serious element to this case.

Nonetheless, considered in its proper context, the panel was not of the view that this proven conduct, even in totality, could be categorised as amongst the most serious forms of dishonesty. That was particularly so in circumstances where, with reference to allegation 2, there was no evidence that there was anything untoward that Mr Dutta was seeking to conceal.



Plainly, Mr Dutta's behaviour undermined the trust placed in him as a trusted employee and educator. However, the panel did not consider, on balance, this was to an extent that warranted the imposition of a prohibition order.

Secondly, there was no direct impact on learners and the School was not seriously impacted. That was a particularly important consideration when putting into context the dishonesty the panel had found proved and the need to strive for a proportionate outcome.

Thirdly, whilst it was regrettable that Mr Dutta's insight was not where it should, in terms of his understanding of his conduct and its implications, having gone through this process, the panel considered it was unlikely that Mr Dutta would put himself in the same situation again.

Mr Dutta had made serious mistakes, exhibited very poor judgment and suffered the consequences. The damage to his reputation will continue as a consequence of the panel's findings and no doubt Mr Dutta will have to demonstrate to a potential future employer that he has learnt necessary lessons. To that end, he would benefit from a period of further reflection as regards the nature and implications of his actions, including with a view to gaining a broader understanding of safeguarding issues.

However, in all the circumstances the panel was persuaded that the risk of repetition was low. It was satisfied that some lessons had clearly been learnt and that process will inevitably continue as a result of the panel's findings.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Having very carefully taken account of the public interest considerations Mr Dutta's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were not acceptable.

The panel considered this is a proportionate outcome, which struck a fair balance between the public interest and Mr Dutta's interests.

In the panel's judgment, for the reasons outlined above there was no continuing risk to the public having regard to the nature of the proven findings in this case. On balance and in the specific circumstances of this case, the panel was also satisfied that its decision is sufficient to maintain public confidence and upholds professional standards.

## 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 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.

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 Dutta is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

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 Dutta, 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, “He was also a role model to his pupils.” A prohibition order would therefore prevent him from being seen in that role by pupils in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Although Mr Dutta has shown some insight into the implications and effect of his failings, this was limited and far from complete. The panel considered that Mr Dutta did not show a clear understanding of the impact of his actions,

particularly upon the School. His insight was therefore, at best, emerging and he focussed more upon himself than the impact of his actions. Whilst the panel had in mind the fact that Mr Dutta was perfectly entitled to deny that he had acted dishonestly, it did have concerns as to his understanding of what honesty meant. For example, in relation to allegation 1, he accepted that he lied without accepting this meant he was dishonest, which was difficult to reconcile.”

In my judgement, the lack of full insight and means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element some weight in reaching my overall 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 conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

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, 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 Dutta himself. The panel comment “In particular, there was no evidence before the panel that he was someone who ought to be regarded as an outstanding practitioner. For example, Mr Dutta had not provided a great deal of information by way of character references and testimonials.”

A prohibition order would prevent Mr Dutta from teaching and 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, “Plainly, Mr Dutta's behaviour undermined the trust placed in him as a trusted employee and educator. However, the panel did not consider, on balance, this was to an extent that warranted the imposition of a prohibition order.

Secondly, there was no direct impact on learners and the School was not seriously impacted. That was a particularly important consideration when putting into context the

dishonesty the panel had found proved and the need to strive for a proportionate outcome.

Thirdly, whilst it was regrettable that Mr Dutta's insight was not where it should, in terms of his understanding of his conduct and its implications, having gone through this process, the panel considered it was unlikely that Mr Dutta would put himself in the same situation again.

Mr Dutta had made serious mistakes, exhibited very poor judgment and suffered the consequences. The damage to his reputation will continue as a consequence of the panel's findings and no doubt Mr Dutta will have to demonstrate to a potential future employer that he has learnt necessary lessons. To that end, he would benefit from a period of further reflection as regards the nature and implications of his actions, including with a view to gaining a broader understanding of safeguarding issues.

However, in all the circumstances the panel was persuaded that the risk of repetition was low. It was satisfied that some lessons had clearly been learnt and that process will inevitably continue as a result of the panel's findings.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Having very carefully taken account of the public interest considerations Mr Dutta's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were not acceptable.

The panel considered this is a proportionate outcome, which struck a fair balance between the public interest and Mr Dutta's interests."

For all of these reasons, I have also, on balance, and in the specific circumstances of this case, 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: Alan Meyrick**

**Date: 22 July 2022**

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