



Teaching  
Regulation  
Agency

# **Mrs Daljit Pabla: Professional conduct panel outcome**

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

**December 2023**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	15
Decision and reasons on behalf of the Secretary of State	18

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

**Teacher:** Mrs Daljit Pabla  
**TRA reference:** 21095  
**Date of determination:** 5 December 2023  
**Former employer:** Norwood Green Infant and Nursery School, Southall

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 4 to 5 December 2023 by way of a virtual hearing, to consider the case of Mrs Daljit Pabla.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Mrs Ashley Emmerson (teacher panellist) and Mr Carl Lygo (lay panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mrs Pabla was present and was represented by Mr Nicholas Kennan of Cornwall Street Barristers.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 17 October 2023.

It was alleged that Mrs Pabla was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Norwood Green Infant and Nursery School:

1. On or around 9 December 2021, she failed to safeguard Pupil A, a pupil in her class, in that they left the School premises unnoticed and unaccompanied.
2. On or around 24 February 2022, she failed to safeguard Pupil B, in that they left the School premises unnoticed and unaccompanied.
3. On or around 24 February 2022, she submitted a safeguarding report that was inaccurate and/or intentionally misleading, in that she wrote:
  - a) “At home time, [she] called Pupil B’s name. Pupil B got up and waved bye to Colleague A”, or words to that effect, when this did not happen;
  - b) “Dad did not see as he [Pupil B] passed him.”, or words to that effect, when this did not happen; and
  - c) “Pupil B saw dad was busy and walked outside playground’s date [sic]”, or words to that effect, when this did not happen.
4. Your conduct alleged at paragraph 3 was:
  - a) Dishonest; and/or
  - b) Lacked integrity.

During the hearing Mrs Pabla admitted the particulars of allegations 1 and 2, made a partial admission in respect of allegations 3(b) and 3(c) in that the report was inaccurate only, and denied allegations 3(a) and 4(a) and 4(b). Mrs Pabla denied that her conduct as admitted in respect of allegations 1, 2, 3(b) and 3(c) amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application to admit additional documents

The panel considered a preliminary application from the Teacher’s representative for the admission of additional documents. The application was unopposed by the presenting officer.

The Teacher's documents were:

- Teacher's witness statement;
- Nursery floor plan;
- Character reference of Individual A;
- COU Bundle containing supporting documents.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the Teacher's representative in respect of the application.

The panel considered the additional documents were relevant and it was fair to admit them. Accordingly, the documents were added to the bundle.

#### Application for statement of witness to be admitted as hearsay

The presenting officer made an application that the statement of Witness A, [REDACTED] of Norwood Green Infant School ('the School') be admitted as hearsay evidence in the absence of the witness. This application was not opposed by the Teacher's representative. After receiving submissions from the presenting officer and the Teacher's representative and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence. The panel noted that the evidence of the witness was not the sole and decisive evidence in relation to the allegations.

Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness. The panel concluded that the balance of fairness was not against admitting the statement as hearsay evidence. Accordingly, the statement of the witness was admitted and was considered in the panel's deliberations.

## **Summary of evidence**

### **Documents**

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

- Section 1: Chronology, list of key people and anonymised pupil list – pages 7 to 10
- Section 2: Notice of proceedings and response – pages 11 to 20
- Section 3: TRA witness statements – pages 21 to 35
- Section 4: TRA documents – pages 36 to 263

In addition, the panel agreed to accept the following:

- Teacher's witness statement;
- Nursery floor plan;
- Character reference of Individual A;
- COU Bundle containing supporting documents.

The panel members confirmed that 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 the following witness called by the TRA:

- Witness B, [REDACTED].

The panel heard oral evidence from Mrs Pabla.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mrs Pabla commenced employment as a teacher at the School on 1 September 2018.

On 9 December 2021, there was an alleged safeguarding incident involving Pupil A leaving the School grounds.

On 24 February 2022, there was a second alleged safeguarding incident involving Pupil B leaving the School grounds.

On 24 February 2022, Mrs Pabla allegedly submitted an inaccurate/misleading safeguarding report.

On 14 March 2022, a disciplinary investigation meeting was held.

On 20 May 2022 a disciplinary hearing was held, Mrs Pabla was informed of the decision to terminate her employment.

On 20 June 2022 Mrs Pabla lodged an appeal.

On 29 June 2022 Mrs Pabla was informed of the appeal hearing date, and the appeal hearing was held on 18 July 2022.

On 31 August 2022, Mrs Pabla ceased employment at the School, and on 15 September 2022 a referral was made to the TRA.

## **Findings of fact**

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

- 1. On or around 9 December 2021, you failed to safeguard Pupil A, a pupil in your class, in that they left the School premises unnoticed and unaccompanied.**

The panel noted that Mrs Pabla admitted allegation 1. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel considered the oral evidence and witness statement of Mrs Pabla, who explained that the general end of day dismissal process in the classroom was that she would be stationed at the classroom door and would be responsible for calling a pupil's name once their parent or caregiver arrived at the front of the parent queue.

[REDACTED], Witness A, would be sat on the carpet with the pupils and would have oversight of dismissing pupils when Mrs Pabla would call out their name.

Mrs Pabla explained that on the day of the incident, they took their designated positions. However, a parent called her away to speak about their child and she took a step out of the doorway to speak with the parent for approximately 2 minutes. She stated that following the brief conversation she returned to dismissing pupils and, upon seeing Pupil A's parent, she called for Pupil A to be dismissed. Mrs Pabla explained that at this point, Witness A came out of the classroom and informed her that Pupil A was not in the classroom. Mrs Pabla confirmed that Pupil A was found by the parent of another child and taken to her home while they telephoned Pupil A's mother.

During her evidence, Mrs Pabla expressed deep regret for the incident and acknowledged that it was a serious failing, and she should have been more vigilant. She explained that she had followed the established unwritten procedures for class dismissal and suspects Pupil A slipped by her when she was briefly engaged in conversation with a

parent. Mrs Pabla explained that Pupil A had a similar sounding name to another pupil in the class, and it was possible that Witness A had misheard and incorrectly dismissed Pupil A from the carpet.

Mrs Pabla explained that of her own initiative she revised the classroom dismissal procedures following the incident to try and avoid a recurrence.

The panel considered the oral evidence and witness statement of Witness B, who explained that on 9 December 2021, Pupil A, who was 3 years old at the time, went missing from Mrs Pabla's class at the end of the School day.

Witness B explained that from his investigation into the incident he understood that Witness A was sitting on the carpet supervising the children and Mrs Pabla was standing by the door calling children's names to release them when their parents arrived to collect them. He stated that Mrs Pabla was called away by another parent and turned her back to the door for 2 minutes, during which time Pupil A walked past her. He stated that when Pupil A's parents arrived, Mrs Pabla called for Pupil A and realised she was not on the carpet, so the staff in the nursery immediately alerted other members of staff and numerous staff members began looking for Pupil A. Witness B stated that it was discovered Pupil A had been found by another parent and taken to their house whilst they phoned Pupil A's mother.

Following the incident, Witness B submitted that he gave Mrs Pabla, Witness A, Individual D and Individual E an informal verbal and informal written warning, and that he sent the staff concerned a letter emphasising the importance of being vigilant at the end of the day during the dismissal period. The panel noted that he took no further action.

The panel noted Witness B's evidence that there were no formal written procedures regarding dismissal of nursery age pupils prior to this incident, and that it was likely that there had been a misunderstanding over the name of the pupil being called. The panel further noted Witness B's evidence that there were clear mitigating circumstances in relation to the incident.

The panel considered the witness statement of Witness A, who explained that on 9 December 2021, Mrs Pabla was seeing children out of the door at home time. Witness A stated that she was alone on the carpet with more than 20 children, including a special educational needs child. She stated that she heard Mrs Pabla call out Child A's name, so she let Child A leave the carpet. Witness A submitted that Child A would have to pass by Mrs Pabla who was standing by the door, and a few moments later Child A's mother arrived, so Mrs Pabla called out Child A's name again.

The panel found allegation 1 proven.

**2. On or around 24 February 2022, you failed to safeguard Pupil B, in that they left the School premises unnoticed and unaccompanied.**



The panel noted that Mrs Pabla admitted allegation 2. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel considered the oral evidence and witness statement of Mrs Pabla. She explained that the dismissal procedure she had put in place in the classroom was that she would be stationed at the nursery classroom door and would be responsible for calling a pupil's name once their parent or caregiver arrived at the front of the parent queue. [REDACTED], Witness A, would sit on the carpet with the pupils, [REDACTED], Individual D would be with the 30-hour pupils and the final [REDACTED] Individual E, was an additional pair of eyes monitoring the pupils from the middle of the classroom.

Mrs Pabla stated that on the day of the incident, she returned to the classroom from preparation time approximately 5 minutes before dismissal time. As Witness A had been in class and observed an incident involving Pupil C, Mrs Pabla asked Witness A to speak to the parent of Pupil C because they had another [REDACTED], available to monitor the pupils from the middle of the classroom. Ms Pabla stated that she also asked Individual E who was in the middle of the classroom to hand out the remaining few book-bags while she was stationed in the classroom. Witness A left the classroom to talk to the parent of Pupil C when they arrived. Mrs Pabla explained that she realised that Pupil C's [REDACTED], was still in the classroom and turned to face the inside of the classroom quickly to grab the [REDACTED], before they left with their parent.

Mrs Pabla stated that she noticed Individual E was standing in the nursery garden handing out book-bags even though she had not been instructed to leave her position in the classroom, and she remained out there for 1-2 minutes, and this coincided with Witness A also being outside the classroom and talking to Pupil C's parent. Mrs Pabla recalled that Witness A had returned to the classroom after no more than 5 minutes of being outside talking to Pupil C's parent.

Mrs Pabla stated that Pupil B's father arrived at the front of the parent queue, and she called Pupil B's name to dismiss him for the day. Whilst waiting, she spoke to Pupil B's father about Pupil B's [REDACTED]. Mrs Pabla explained that since Pupil B did not appear, she called his name again as she assumed Pupil B and the [REDACTED] may not have heard her. Witness A then informed Mrs Pabla that Pupil B was not on the carpet and the [REDACTED] went to look for Pupil B. Individual D found Pupil B standing outside the vehicle entrance and brought him back to his father.

Mrs Pabla explained that she took full responsibility for the incident and had not at any stage implied that Pupil B or their father was at fault.

The panel noted Mrs Pabla's evidence that she had departed from her classroom dismissal process to the extent that a [REDACTED] was not assigned to the carpet while pupils waited. The panel further noted Mrs Pabla's evidence that no one knew how Pupil B left the classroom.

The panel considered the oral evidence and witness statement of Witness B who explained that on 24 February 2022, a second incident occurred when Child B, who was 3 years old, went missing from Mrs Pabla's class at the end of the day.

Witness B stated that during the internal investigation, it was discovered that Child B, [REDACTED], left the School, crossed over the main road, went into the local Tesco's, helped himself to some milky bars and crossed back over the road to wait for his father.

The panel noted Witness B evidence that Tesco's refused to show anyone at the School or Pupil B's parents the CCTV footage. Witness B explained that [REDACTED] Tesco's confirmed Child B had been into Tesco's and helped himself to some chocolate bars, and that Child B is visible on the CCTV on 24 February at 11:32 and 46 seconds. Witness B stated that the shop [REDACTED] informed them Child B is seen on the CCTV taking two chocolate bars and leaving the store after approximately two minutes, and Witness B stated the chocolate bars in the store were located at a child's level.

The panel noted the oral evidence of Witness B that his perception was Mrs Pabla, and the [REDACTED] did not have a clue as to what happened, and they all subsequently provided confused and inconsistent accounts of the incident.

The panel considered the witness statement of Witness A who stated that on 24 February 2022, she was asked by Mrs Pabla to go outside and speak with a parent. She stated that Mrs Pabla had not advised another member of staff to sit with the children on the carpet.

Witness A stated that it took a few minutes after the nursery gate had opened for the parent she needed to speak to, to arrive. She stated that she waited in the middle of the classroom for Mrs Pabla to tell her to go out and speak to the parent.

Witness A stated that she made her way to the door, and at this point she had seen/bumped into Child B, who had waved at her and said goodbye. She stated that she left through the nursery door, passing Mrs Pabla, who was standing by the door. Witness A stated that she spoke to the parent that Mrs Pabla had asked her to speak to for around 5 minutes.

Witness A submitted that afterwards, she went back into the nursery and noticed that Child B's father was at the door. She stated that she thought this was odd, so approached the door where Mrs Pabla was standing, as she thought Child B's father might want to raise a concern.

Witness A explained that Mrs Pabla then called out Child B's name, so she informed Mrs Pabla that he'd already left, or she had let him go, or words to that effect.

The panel found allegation 2 proven.

The panel found the following particulars of the allegation against you not proven for these reasons:

**3. On or around 24 February 2022, you submitted a safeguarding report that was inaccurate and/or intentionally misleading, in that you wrote:**

- a) **“At home time, [you] called Pupil B’s name. Pupil B got up and waved bye to Colleague A”, or words to that effect, when this did not happen;**

The panel considered the notes Mrs Pabla had entered into the report on the School’s safeguarding online monitoring system, and the investigation report, provided in the bundle.

Mrs Pabla confirmed that she had called out Pupil B’s name as part of the dismissal process and reflected this in the report she made shortly after the incident.

The panel considered the oral evidence and witness statement of Mrs Pabla. Mrs Pabla stated in her evidence that she was told by Witness A after the incident when collating information for the report, that Witness A had waved at Pupil B. Mrs Pabla Witness A account at the time she wrote the report. Mrs Pabla explained that she was only told that Witness A had waved at Pupil B and she had presumed that this must have happened in the classroom. Mrs Pabla stated that she asked Witness A to read and review the report before it was submitted, and Witness A said that everything was fine.

Mrs Pabla explained that she debriefed with the [REDACTED] immediately after the incident and attempted to collate their understanding of events in order to prepare the report. Mrs Pabla explained that she took the decision to make the report and that she made the report while still having responsibility for the pupils who remained for the afternoon session. Mrs Pabla explained that she was distraught following the incident and could not understand how Pupil B had left the classroom.

The panel noted the report is timed as being sent at 12:07 on 24 February 2022, approximately 30 minutes after Pupil B was located.

The panel concluded that the two sentences forming the allegation were neither inaccurate or misleading, as they reflected Ms Pabla’s own actions on the day and the information shared with her by Witness A.

The panel found allegation 3(a) not proven.

The panel found the following particulars of the allegation(s) against you proved in part, for these reasons:

**3. On or around 24 February 2022, you submitted a safeguarding report that was inaccurate and/or intentionally misleading, in that you wrote:**

**b) “Dad did not see as he [Pupil B] passed him.”, or words to that effect, when this did not happen; and**

**c) “Pupil B saw dad was busy and walked outside playground’s date [sic]”, or words to that effect, when this did not happen.**

The panel considered the notes Mrs Pabla had entered into the report on the School’s safeguarding online monitoring system, and the investigation report, provided in the bundle.

The panel considered the oral evidence and witness statement of Mrs Pabla. She explained that she assumed that Pupil B must have passed her and his father as they were both standing by the classroom door during their conversation. Mrs Pabla explained there was no other likely explanation of how Pupil B could have ended up being outside the School.

Mrs Pabla stated that she was not blaming the father in any way.

Mrs Pabla explained that she understood the need for the report to be factual and clear in order for a complete investigation, root cause analysis and preventative measures to be put in place. She acknowledged that the manner in which the report was written lacked clarity, and she should have clarified that she was unable with 100% certainty to identify when Pupil B left the classroom but that if she was to make an assumption it would have been as outlined in her report.

The panel considered the oral evidence and witness statement of Witness B who explained that following the incident involving Child B on 24 February 2022, Mrs Pabla reported the incident, but it later came to light through the investigation report that Mrs Pabla had submitted an inaccurate account of the incident.

Witness B explained that on 14 March 2022 he conducted an investigation meeting with Mrs Pabla, where she confirmed that the safeguarding report, she submitted was not entirely accurate, and that Child B did not get up and wave goodbye to Witness A when she called his name, as by that point Child B was already missing. Witness B further stated that Mrs Pabla confirmed that Child B did not walk straight past his father who at the time was too busy to notice.

Witness B explained that it would be best practice to collate all relevant information from those members of staff who were involved in the incident to include in a report, and the report would not of itself be determinative or sit in isolation. The panel noted that Witness B had completed the report for the incident on 9 December 2021 and this had been based on information provided by other members of staff.

The panel noted that during the investigation an email was received from Witness A stating that she had read the report prior to its submission but only checked it for

grammar and spelling, she was not involved with writing the report. Witness A also stated this in her witness statement. The panel noted that the report contained a number of spelling and grammatical mistakes despite Witness A review, and she did not challenge its content at the relevant time.

Witness A further explained in her witness statement that the report was not a joint report, and she was not asked by Mrs Pabla whether she agreed with the report. She submitted that when she was asked to check the report, Mrs Pabla asked her something along the lines of *“can you read this and check it for me”*, so she assumed she was just checking for grammatical errors.

The panel noted that Witness A’s witness evidence was hearsay and therefore gave it limited weight.

The panel considered the evidence and concluded that Mrs Pabla did speak to her colleagues following the incident to try and understand what happened and to prepare an initial report. The panel concluded the content of the report was reflective of Mrs Pabla speaking to her colleagues.

The panel concluded based on the evidence, that Mrs Pabla did not submit the report with the intention of misleading the reader in relation to the incident on 24 February 2022.

The panel concluded that the statements referred to in the allegations were inaccurate, however, reflected the speculation and/or assumptions made by Mrs Pabla and her colleagues as to how Pupil B may have come to have left the nursery classroom.

The panel recognised that the report could have been clearer. However, it considered that the reporting system was relatively new to the School; this was the first report prepared by Mrs Pabla; it had been made under extreme circumstances in the immediate aftermath of the incident without the support of the School’s SLT members; reflected the views of her team; and would not have been viewed in isolation and/or been determinative of the matter.

The panel found allegations 3(b) and 3(c) proven only to the extent that these elements of the report were inaccurate. On the balance of probabilities, the panel did not find these aspects of the report intentionally misleading.

The panel found the following particulars of the allegation(s) against you not proven for these reasons:

**4. Your conduct alleged at paragraph 3 was:**

**a) Dishonest: and/or**

**b) Lacked integrity.**

The panel considered the oral evidence and witness statement of Mrs Pabla. Mrs Pabla robustly denied being dishonest or lacking integrity. She stated that she was honest about what she thought had transpired when preparing the report and accepted that she did not effectively communicate this in the report.

The panel noted that Mrs Pabla clarified the content and meaning of the report during the School's investigation.

The panel noted the oral evidence and witness statement of Witness B, who stated that Mrs Pabla had safeguarding training every year and was aware of the recording and reporting procedures. He stated that Mrs Pabla had received training on how to use the system and what information to record.

The panel concluded that while the report was inaccurate in some respects, that the evidence did not support that Mrs Pabla had been dishonest or lacking in integrity when preparing the report.

The panel found allegations 4(a) and 4(b) not proven.

### **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 Mrs Pabla, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Pabla 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- 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 was satisfied that the conduct of Mrs Pabla amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel concluded that Mrs Pabla had departed from the classroom dismissal procedure on 24 February 2022, and this demonstrated a momentary lack of regard for safeguarding when considering the young age of the pupils involved.

Accordingly, the panel was satisfied that Mrs Pabla was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents, and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way 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, potentially damaging the public perception. The panel considered that the public would be concerned by the failure to ensure that young pupils did not leave the School premises unnoticed and unaccompanied.

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

Having found the facts of allegations 1, 2, 3(b), and 3(c), proved, the panel further found that Mrs Pabla'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.

The panel was aware that 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 and the protection of other members of the public;
- the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest if they are in conflict.

In the light of the panel's findings against Mrs Pabla, which involved failing to safeguard Pupil A and Pupil B in that they left the School premises unaccompanied, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

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

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 Pabla. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Pabla. 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; and
- 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).

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



There was evidence to suggest that Mrs Pabla's actions were not deliberate; she had a momentary lapse in judgment.

There was no evidence that Mrs Pabla was acting under extreme duress.

There was no evidence that Mrs Pabla was an exceptional teacher.

There was some evidence that Mrs Pabla demonstrated high standards in both personal and professional conduct. The panel noted the oral evidence of Witness B who recognised that Mrs Pabla was a good teacher and a good person.

The panel noted several character references submitted on behalf of Mrs Pabla. In particular, the panel noted the following:

- Individual A [REDACTED] is a former colleague of Mrs Pabla's having worked at the same educational establishment since Mrs Pabla leaving the School.
  - *"I have found Daljit Pabla to be a caring and supportive class teacher who we can trust in front of a classroom."*
  - *"I have seen Daljit display empathy towards children multiple time who have had minor incidences, and followed through with procedures according to our school."*
  - *"Daljit displays honesty, integrity and takes her job very seriously. She is a passionate teacher who always puts the safety of the children first in her classroom."*
- Individual B [REDACTED] a former colleague [REDACTED] of Mrs Pabla who has known her for over 10 years.
  - *"She was good a team player and this could be seen in the way she and her team set up a lively environment in the nursery."*
- Individual C [REDACTED]
  - *"I can attest that Mrs Daljit Pabla is a dependable, honest, passionate, and hardworking individual. In the 7 years that I have known her, I have first-hand seen the honesty and integrity with which she leads her life. She is someone I turn to for support and valuable advice and her level-headedness brings a new perspective to situations."*
  - *"She speaks passionately of her career and the impact she has on the children she teaches. Her passion is evident when she speaks with pride of the progress, positivity, and uniqueness of each of her students. She inspires the children [REDACTED]."*

Mrs Pabla's representative submitted that Mrs Pabla has reflected on her conduct and taken steps to avoid recurrence, including comprehensive training on safeguarding since leaving the School. She has continued to teach in schools and has had the opportunity to demonstrate her learnings from the incidents.

The panel noted Mrs Pabla's witness evidence and in particular her written statement which addresses the issue of insight and remorse. The panel noted that Mrs Pabla had been significantly affected by the incidents and this has had an ongoing impact on her wellbeing. The panel considered that Mrs Pabla had recognised the seriousness of these incidents. Mrs Pabla had shown insight into her actions by reflecting on her need to improve communication with colleagues to avoid a further safeguarding breach.

The panel concluded that Mrs Pabla had momentary lapses in judgement and that her conduct was at the less serious end of the spectrum. The panel also concluded that no child suffered actual harm from Mrs Pabla's errors in judgment. The panel was satisfied that it was unlikely such errors of judgement would happen again.

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 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 found some of the allegations

not proven, including 3 (b), (c), 4 (a) and (b). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Pabla should not be the subject of a prohibition order. 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 Mrs Pabla 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- 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 Pabla 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 Mrs Pabla, 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/or safeguard pupils. The panel has observed, "In the light of the panel's findings against Mrs Pabla, which involved failing to safeguard Pupil A and Pupil B in that they left the School premises unaccompanied, there was a strong public interest consideration in the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted Mrs Pabla's witness evidence and in particular her written statement which addresses the issue of insight and remorse. The panel noted that Mrs Pabla had been significantly affected by the incidents and this has had an ongoing impact on her wellbeing. The panel considered that Mrs Pabla had recognised the seriousness of these incidents. Mrs Pabla had shown insight into her actions by reflecting on her need to improve communication with colleagues to avoid a further safeguarding breach." 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 public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Pabla was not treated with the utmost seriousness when regulating the conduct 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 and conduct that may bring the profession into disrepute, 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 Pabla and the panel comment "There was no evidence that Mrs Pabla was an exceptional teacher." The panel noted a number of positive character references and went on to say "There was some evidence that Mrs Pabla demonstrated high standards in both personal and professional conduct. The panel noted the oral evidence of Witness B who recognised that Mrs Pabla was a good teacher and a good person."

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

In this case, I have placed considerable weight on the panel's comments concerning insight or remorse. The panel has said, "Mrs Pabla's representative submitted that Mrs Pabla has reflected on her conduct and taken steps to avoid recurrence, including comprehensive training on safeguarding since leaving the School. She has continued to teach in schools and has had the opportunity to demonstrate her learnings from the incidents."

I have also placed considerable weight on the finding of the panel that “The panel concluded that Mrs Pabla had momentary lapses in judgement and that her conduct was at the less serious end of the spectrum. The panel also concluded that no child suffered actual harm from Mrs Pabla’s errors in judgment. The panel was satisfied that it was unlikely such errors of judgement would happen again.”

I have given weight in my consideration of sanction therefore, to the contribution that Mrs Pabla has made to the profession and the level of insight and remorse.

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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 7 December 2023**

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