



Teaching  
Regulation  
Agency

# **Mr Zahid Patel: Professional conduct panel outcome**

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

**January 2025**

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

<b>Teacher:</b>	Mr Zahid Patel
<b>Teacher ref number:</b>	1764569
<b>Teacher date of birth:</b>	2 February 1995
<b>TRA reference:</b>	19547
<b>Date of determination:</b>	22 January 2025
<b>Former employer:</b>	Essa Academy, Bolton

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 20 to 22 January 2025 by way of a virtual hearing, to consider the case of Mr Zahid Patel.

The panel members were Ms Aisha Miller (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Anila Rai (lay panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks LLP solicitors.

Mr Patel was present and was not represented.

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 hearing dated 23 September 2024.

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

1. In or around December 2019 he caused or allowed one or more of the following pupils from School 1 to connect with him on social media:
  - a. Pupil A and/or;
  - b. Pupil D and/or;
  - c. Pupil E.
2. Between around 22 December 2019 and 7 January 2020, in respect of Pupil A, he:
  - a. Exchanged messages through social media;
  - b. Made inappropriate remarks including and/or to the effect of one or more of the remarks set out in schedule 1;
  - c. Failed to report a disclosure she had made about [REDACTED].
3. By his conduct at any or all of 1(a) and/or 1(b) and/or 1(c) and/or 2(a) and/or 2(b) and/or 2(c), he failed to observe proper boundaries appropriate to his professional position.
4. His conduct at any or all of 1(a) and/or 2(a) and/or 2(b) was sexually motivated.
5. Between around March and April 2021, he caused or allowed incomplete and/or misleading information to be provided to his recruitment agency and/or School 3 in the course of applying for employment at School 3 in that he:
  - a. Did not include your employment at School 2 on his CV;
  - b. Did not provide the name of an appropriate referee from School 1;
  - c. Suggested that Person K, who you had identified as a referee, had worked with him and/or had been his NQT mentor at School 1, when that was not the case.
6. His conduct at any or all of 5(a) and/or 5(b) and/or 5(c) was dishonest, in that he knew that he had caused or allowed incomplete and/or misleading information to be provided to his recruitment agency and/or School 3.

## Schedule 1

- i. "So you're saying you're not a virgin?"
- ii. "Your saying you've done nothing with a boy"
- iii. "I can't believe you've not had a boyfriend"
- iv. "A girl as pretty as you not having a boyfriend don't believe that"
- v. "Tell me the worst thing you've done and/or tell me the naughtiest things you've done"
- v. "You knew that you loved Pupil A from the minute she walked into your maths class"
- vi. "we'll be together when you are older and/or we'll be together when I am older"

As outlined in the response to a notice of hearing signed by Mr Patel on 18 October 2024, Mr Patel admitted allegations 1, 3, 5 and 6 in their entirety, admitted allegation 2 in part (in that he denied making some of the remarks in schedule 1) and denied allegation 4 in its entirety.

## Preliminary applications

There were no preliminary applications.

## Summary of evidence

### Documents

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

- Section 1: Chronology, anonymised person list and list of key people – pages 4 to 7
- Section 2: Notice of proceedings and response – pages 8 to 35
- Section 3: TRA witness statements – pages 36 to 56
- Section 4: TRA documents – pages 57 to 455
- Section 5: Teacher documents – pages 456 to 459.

The panel also received a video of the police ABE interview with Pupil A on 19 May 2020.

The panel members confirmed that they had read all of the documents within the bundle, and watched the video of the police interview referred to above in advance of the hearing.

## **Witnesses**

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A - [REDACTED] (School 1)
- Pupil D - [REDACTED] (School 1)
- Witness B - [REDACTED]
- Witness C - [REDACTED] (School 3)
- Witness D - [REDACTED]

The panel also heard oral evidence from Mr Patel.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

On 1 September 2018, Mr Patel commenced employment at Ladybridge High School ('School 1'). He handed in his notice on 31 October 2019.

Around his last day at School 1 in December 2019, Mr Patel allowed pupils, including Pupil A, Pupil D and Pupil E, to connect with him on social media.

On 1 January 2020, Mr Patel commenced employment at Essa Academy ('School 2').

On 6 January 2020, concerns were raised to the police regarding Mr Patel's messaging with Pupil A over social media.

On 7 January 2020, Mr Patel's employment ended at School 2, and Mr Patel was arrested and interviewed regarding the allegations concerning Pupil A.

In early 2021, Mr Patel submitted his CV to Edison Pope and provided Person K as a referee, indicating that Person K was his mentor while employed at School 1.

On 23 March 2021, Person K provided a reference for Mr Patel to Edison Pope.

On 12 April 2021, Mr Patel commenced employment at St Matthews High School ('School 3') via Edison Pope.

On 21 April 2021, Witness C of School 3 was made aware of the safeguarding concerns regarding Mr Patel, and after a discussion with Mr Patel, Witness C terminated his contract.

## 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 December 2019 you caused or allowed one or more of the following pupils from School 1 to connect with you on social media:**
  - a. Pupil A and/or;**
  - b. Pupil D and/or;**
  - c. Pupil E.**

The panel noted that Mr Patel admitted allegations 1(a), 1(b) and 1(c) in his response to the notice of hearing, signed by him on 18 October 2024.

The panel considered Mr Patel's email of 10 May 2021, in which he admitted that his conduct was inappropriate but wrote that he did not do so with any malicious intent. In this email, Mr Patel wrote that the pupils would constantly make TikTok's in his classroom, and he would join in on some of them, so he did not "*think much of it,*" but he admits that this was a mistake.

The panel also considered the transcript of the teacher's police interview, prepared by Capsticks LLP, in which Mr Patel stated that on the last day of school, Pupil A and her two friends followed him on TikTok because it was "*quite a trendy thing*" and because there are lots of teachers involved in TikTok. The panel noted in the transcript that Mr Patel refers to Pupil A and Pupil E following him on TikTok.

The panel also considered Mr Patel's oral evidence. In his oral evidence, Mr Patel stated that he allowed Pupil A, Pupil D, and Pupil E to follow him on TikTok. He stated that it was his mistake and that he had been "*naive*" to assume it was okay to have the pupils follow him on TikTok.

The panel considered the oral evidence and written statement of Pupil D, who stated that around Christmas 2019, Mr Patel was leaving to move to School 2. She stated that the four people in her friendship group were in his classroom and wrote their TikTok names

on his whiteboard. She said that Mr Patel was present when they did this. She later received a request from an unknown account, which she accepted. Pupil D said that Pupil A told her Mr Patel had initially followed Pupil A on TikTok, and she compared the username that followed her to the one Pupil A said was Mr Patel's, and they matched.

The panel considered the oral evidence and written statement of Witness D, who stated that on 5 January 2020, Pupil A came to her at home and said that Mr Patel had been messaging her, added her on TikTok on the last day of term, and that he had added her on Snapchat.

The panel had sight of the screenshots of messages between Mr Patel and Pupil A on TikTok.

The panel considered the police interview with Pupil A conducted on 19 May 2020. During this interview, Pupil A mentioned that three students waited until the classroom was empty, at which point Mr Patel allowed them to enter their TikTok usernames in his phone. The panel noted that when asked to identify the two friends who were with her that day, and were asked to add themselves on Mr Patel's TikTok, Pupil A named Pupil E and Pupil D.

The panel found allegations 1(a), 1(b) and 1(c) proven.

**2. Between around 22 December 2019 and 7 January 2020, in respect of Pupil A, you:**

- a. Exchanged messages through social media;**
- b. Made inappropriate remarks including and/or to the effect of one or more of the remarks set out in schedule 1;**
- c. Failed to report a disclosure she had made about [REDACTED]**

The panel noted that Mr Patel admitted to allegations 2(a) and 2(c), as well as part of allegation 2(b), in his response to the notice of hearing, signed by him on 18 October 2024.

The panel noted that in his oral evidence, Mr Patel admitted to making the following remarks set out in Schedule 1:

- *“So you're saying you're not a virgin?”*
- *“Your saying you've done nothing with a boy”*
- *“I can't believe you've not had a boyfriend”*
- *“A girl as pretty as you not having a boyfriend don't believe that.”*



The panel had sight of the screenshots of messages between Mr Patel and Pupil A, and noted the following messages sent by Mr Patel, some of which were referenced in Schedule 1:

- *“So you’re saying you’re not a virgin?... I’m disappointed”*
- *“your saying you’ve done nothing with a boy.”*
- *“I can’t believe you’ve not had a boyfriend”.*
- *“A girl as pretty as you not having a boyfriend don’t believe that”.*

The panel also noted that in the screenshots of messages, Mr Patel wrote to Pupil A stating, *“I’m disappointed”* and *“are you sure”, “don’t lie to me”,* in response to Pupil A informing him that [REDACTED].

The panel considered the oral evidence and written statement of Witness D, who stated that Pupil A showed her the screenshots of some TikTok messages, and she was concerned at the nature of them as he said things such as, *“so you’re saying you’re not a virgin?”.*

Witness D stated that on 6 January 2020, she reported her concerns to Individual B [REDACTED] of School 1, informed her of what she had found and showed her the screenshots. [REDACTED].

Witness D stated that she reported the matter to the police, who spoke to Pupil A.

The panel considered the oral evidence and written statement of Witness A [REDACTED] who stated that Pupil A [REDACTED] of which Mr Patel was aware. He said that on 6 January 2020, he was approached by Individual B, who informed him that Pupil A’s [REDACTED] had informed her of concerns regarding Mr Patel messaging Pupil A on social media.

Witness A stated that Individual B showed him the screenshots of the messages, which included Mr Patel asking Pupil A if she was [REDACTED] a virgin.

The panel considered Mr Patel's email from 10 May 2021, in which he stated, in response to the allegation, that he knew messaging Pupil A was a big mistake on his part. Initially, he only exchanged messages through social media to send the pictures that Pupil A had taken on his phone before that. Mr Patel said that he agreed that the messages he sent were inappropriate.

The panel, therefore, found that Mr Patel had, between 20 December 2019 and 7 January 2020, exchanged the messages set out in Schedule 1, (i), (ii), (iii) and (iv) with Pupil A and that these were inappropriate.

The panel noted that Mr Patel when questioned during his oral evidence, admitted that he might have said to Pupil A on TikTok something along the lines of “*tell me the worst thing that you’ve done,*” but he could not recall using the term “*naughtiest.*” Although he could not remember the exact wording, he acknowledged that the phrasing used led to the inappropriate conversation on TikTok, as shown in the screenshot of messages between Mr Patel and Pupil A.

The panel considered the transcript and video of Pupil A’s police interview on 19 May 2020, where Pupil A recounted that Mr Patel asked if she was a virgin. [REDACTED] he expressed disbelief and questioned how someone as pretty as her didn't have a boyfriend. Pupil A further stated that he would ask her questions such as tell him, “*the worst thing that you’ve done or the naughtiest things you have done*” and other similar questions, which left her unsure how to respond.

The panel, therefore, found that between around 22 December 2019 and 7 January 2020, Mr Patel had exchanged words with Pupil A to the effect of, “*tell me the worst thing you’ve done*” or “*tell me the naughtiest things you’ve done.*”

The panel considered the oral evidence and written statement of Pupil D, who stated that [REDACTED] with Pupil A and Pupil A sent a picture to Mr Patel [REDACTED]. Pupil D also mentioned that Pupil A said to her that she spoke with Mr Patel on TikTok for a while before they moved to Snapchat. He responded to Pupil A by saying he had saved the picture and threatened to show it to her family if she told anyone about their messages. Pupil A was upset by this and confided in three girls that she had been speaking to Mr Patel on social media since he left School 1.

The panel reviewed the transcript of Mr Patel’s police interview, prepared by Capsticks LLP, where Mr Patel admitted he was aware that Pupil A told him she had [REDACTED], and he failed to report it. He said Pupil A informed him she had done [REDACTED] and when he asked what she meant, Pupil A said she had [REDACTED]. Mr Patel advised her not to do it again. The panel noted that the police officer conducting the interview questioned Mr Patel about why he had not reported that Pupil A had [REDACTED], and Mr Patel responded, “*I don’t know...am I supposed to.*”

The panel considered that Mr Patel should have known to report it as a teacher and that he would have had safeguarding training. The panel considered that as Mr Patel was no longer employed by School 1 from 31 December 2019, if he did not know who to report it to, he could have reported this to a family member, such as Pupil A’s [REDACTED], with [REDACTED].

The panel, therefore, found that between around 22 December 2019 and 7 January 2020, Mr Patel had failed to report Pupil A’s disclosure about [REDACTED].

The panel noted that Mr Patel, in his oral evidence, denied the following remarks set out in Schedule 1:

- *“[He] knew that [he] loved Pupil A from the minute she walked into his maths class”*
- *“we’ll be together when you are older and/or we’ll be together when I am older”*

The panel reviewed the transcript of Mr Patel’s police interview, prepared by Capsticks LLP, where Mr Patel was informed that Pupil A reported he told her he loved her. He denied this allegation during both in the police interview and his oral evidence, stating it was a lie.

Mr Patel claimed in his oral evidence that he never said he loved Pupil A or that they would be together. He asserted that Pupil A was known to fabricate stories and lie frequently at school, not specifically in respect of the allegations but generally.

The panel considered the transcript and video of Pupil A’s police interview on 19 May 2020, where she stated that on the day she blocked Mr Patel, he told her, *“[he] knew [he] loved [her] from the minute [she] walked in his maths class.”* Pupil A also mentioned that Mr Patel said, *“We’ll be together when [she] is older or [he] is older or something.”*

The panel noted that Pupil A was not present at the hearing and could not be cross-examined. Therefore, they considered her evidence in line with advice on hearsay evidence and the appropriate weight to be given to it. The panel felt able to place significant weight on her evidence as it was corroborated by other contemporaneous and documentary evidence, including messages, Pupil A’s disclosure to her [REDACTED] and Pupil D, and the video of the police interview. The panel found no reason for Pupil A to lie, and although her evidence was hearsay, there was corroborative evidence for most of her allegations, including screenshots and Pupil D’s account of seeing Pupil A message Mr Patel on [REDACTED], and his threat to show their messages to her family if she told anyone.

The panel also noted that Mr Patel had admitted that he had previously lied on his CV by omitting his employment at School 2 and falsely stating that Person K was employed by School 1 and was his NQT mentor, which he admitted was untrue (see allegations 5 and 6). This demonstrated that he had a propensity to lie.

When questioned about his conversations with Pupil A on Snapchat, Mr Patel stated they discussed revision, Christmas plans, and *“insignificant stuff,”* claiming nothing personal was shared. The panel found this implausible, considering the inappropriate and personal nature of their previous conversation about Pupil A’s virginity. It seemed unlikely that their discussions would revert to schoolwork and Christmas without further personal messages, which contradicted the messages they had seen. This also did not align with Pupil D’s account of Mr Patel’s threat.

The panel considered Pupil D's written evidence, where she stated she saw Pupil A send a picture to Mr Patel, and Pupil A told her that he responded by saying he had saved the picture and threatened to show it to her family if she told anyone about their messages.

The panel noted that Mr Patel explained in both his police interview and oral evidence that he created a new Snapchat account to communicate solely with Pupil A.

The panel applied the balance of probabilities test to the evidence before it to determine whether it was satisfied that it was more likely than not that Mr Patel had made the remarks set out at (v) and (vi) in Schedule 1. The panel determined that on the balance of probabilities it was more likely than not that Mr Patel made those comments, or words to the effect.

The panel therefore found that Mr Patel had between around 22 December 2019 and 7 January 2020 exchanged words with Pupil A to the effect of the remarks set out in Schedule 1 (v) and (vi).

The panel found allegation 2(a), 2(b) and 2(c) proven.

**3. By your conduct at any or all of 1(a) and/or 1(b) and/or 1(c) and/or 2(a) and/or 2(b) and/or 2(c), you failed to observe proper boundaries appropriate to your professional position.**

As the panel found Mr Patel's conduct at 1(a), 1(b), 1(c), 2(a), 2(b) and 2(c) proved, the panel went on to consider whether the conduct was a failure to observe the proper boundaries appropriate to Mr Patel's professional position as a teacher.

The panel considered that Mr Patel admitted allegation 3, in respect of allegations 1(a), 1(b), 1(c), 2(a), 2(c) and part of 2(b), as set out in the response to a notice of hearing signed by Mr Patel on 18 October 2024.

The panel considered Mr Patel's oral evidence, where he admitted that he had not observed proper boundaries.

The panel also reviewed Mr Patel's email dated 10 May 2021, sent in response to the allegations. In it, he acknowledged making a "*big mistake*" by adding pupils on TikTok, admitted he was naive about the situation, and suggested he might need extra training. He also agreed that his remarks were "*100% inappropriate.*"

The panel concluded that the conduct which it had found proven was a clear failure to observe proper professional boundaries, from accepting pupils adding him on TikTok around his last day at the school to all the conduct that followed.

The panel considered the evidence presented before it and concluded that, based on the fact that Mr Patel had added pupils on social media, made direct contact with Pupil A,

and sent inappropriate messages, he had failed to maintain appropriate professional boundaries.

The panel found allegation 3 proven.

#### **4. Your conduct at any or all of 1(a) and/or 2(a) and/or 2(b) was sexually motivated.**

The panel noted that Mr Patel denied this allegation.

The panel's attention was drawn to section 78 of the Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether Mr Patel's conduct was sexually motivated. The panel noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship".

The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

*"in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual[...]"*

*"Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading 'sexual motivation' is unhelpful. Similarly to look for 'sexual gratification' may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually "gratified" at all – whether before, after or during the act in question. Gratification, as with "pursuit of a relationship" are, pace the analysis of Mostyn J in Basson, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law".*

*"Had the touching been pleaded as being 'sexual' and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident [...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual".*

The panel further noted that in *General Medical Council v Haris [2021] EWCA Civ 763*, it was stated that "In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not..."

The panel considered whether Mr Patel had demonstrated a plausible innocent explanation for the conduct they had found proven at allegations 1(a), 2(a), and 2(b).

The panel considered the police interview and noted that when questioned, Mr Patel explained that he had engaged with Pupil A but not in any sexual way. On the last day, her phone died, so she asked to use his phone to log into her Snapchat and take pictures. He allowed it under supervision. She later added herself on TikTok and asked him to add her on Snapchat to send pictures. He initially refused, explaining it was inappropriate, but she persisted. He eventually added her, sent the pictures, and then blocked her. He also blocked her on TikTok, emphasising that she could contact him via email for any academic help. He felt it was his duty to support her, [REDACTED]. He also said he had a close relationship with her [REDACTED].

The panel noted that Mr Patel stated in his police interview that he understood he should not have been talking to her but that it was never in, *“any kind of way sexual or to exploit her in any other way.”* He claimed it was *“just as a person”* and what he would say to anyone, not just her, trying to give her as much help as needed, *“almost like a boost every now and then and making sure she was staying on the right track and doing her work.”*

The panel noted that Mr Patel stated that he felt he had a pastoral role, and wanted to safeguard Pupil A, but concluded that this did not provide a plausible explanation for why he would discuss topics like virginity in the middle of a conversation described as counselling or supportive.

The panel considered that if Mr Patel felt he had a pastoral role to safeguard Pupil A, he should have reported the message and ensured provisions were put in place when he left School 1 to safeguard Pupil A. [REDACTED], his motivation did not appear to be around counselling or caring.

The panel also found no plausible explanation for why they moved off TikTok, to Snapchat or why he created a new Snapchat account to talk solely to Pupil A. The panel noted that Mr Patel said in his oral evidence that Pupil A was persistent. However, the panel noted that if Mr Patel had concerns about the messages Pupil A was sending him, he could have, but did not, inform someone, such as his [REDACTED], to protect himself.

The panel further noted that in the transcript of his police interview, Mr Patel stated that the messages were *“being taken out of context”* and that they were *“in the sense that most... [REDACTED] are probably not virgins.”* The panel questioned Mr Patel about this context, and he explained that there had been [REDACTED], and this was the context of their conversation on TikTok. He said it was part of a broader conversation and that Pupil A was pretending not to know, as she was aware Mr Patel [REDACTED]. The panel further questioned Mr Patel about why he was discussing [REDACTED] and asked for more context. In response, Mr Patel accepted that his conduct was not appropriate.

The panel considered the oral evidence and written statement of Pupil D, who stated that she was [REDACTED] Pupil A when Mr Patel responded to Pupil A's Snapchat by saying he had saved the picture and threatened to show it to her family if she told anyone about their messages. The panel found these threats coercive and concluded that he would not have made them if he had spoken with Pupil A in a pastoral role.

The panel reviewed screenshots of messages between Pupil A and Mr Patel. In particular, his response was that he was "*disappointed*" about [REDACTED] and comments like "*don't lie to me*" and "*so most girls your age are not.*" The panel found these responses goading or teasing [REDACTED], which would be highly inappropriate if checking on her wellbeing.

The panel noted that the screenshots were taken only a few hours after Mr Patel's last day at School 1, so there would have been no need to check on her out of concern.

The panel also considered screenshots in which Mr Patel discussed deleting TikTok. He informed Pupil A that he had deleted TikTok and was going to add her on Snapchat just in case she wondered to where he had disappeared, stating, "*It's not like you cared, lol.*" This suggested to the panel that he was trying to introduce a relationship rather than checking on her well-being.

The panel found Mr Patel's explanation for his motive implausible.

The panel noted that Pupil A described the messages as "*weird*" in the police interview but did not refer to them as sexual in nature.

In his oral evidence, Mr Patel submitted that Pupil A admitted she did not find the messages sexual. However, the panel concluded this did not preclude the messages from being sexual in nature. Pupil A was around [REDACTED] and messages could still be sexual in nature without Pupil A recognising them as such.

Pupil A's [REDACTED] stated in her written evidence that Pupil A knew the messages were wrong and, Pupil A's [REDACTED] thought that Pupil A liked Mr Patel and did not want him to get into trouble.

The panel considered Mr Patel's messages to Pupil A to be intimate and flirtatious. It found no plausible innocent explanation for Mr Patel's conduct. The comments made were inherently sexualised, such as asking about virginity and [REDACTED].

The panel concluded that on the balance of probabilities, viewing the evidence as a whole, and in the absence of a plausible innocent explanation, Mr Patel's conduct, as found proven at allegations 1(a), 2(a) and 2(b), was sexually motivated.

The panel found allegation 4 proven.

- 5. Between around March and April 2021, you caused or allowed incomplete and/or misleading information to be provided to your recruitment agency and/or School 3 in the course of applying for employment at School 3 in that you:**
- a. Did not include your employment at School 2 on your CV;**
  - b. Did not provide the name of an appropriate referee from School 1;**
  - c. Suggested that Person K, who you had identified as a referee, had worked with you and/or had been your NQT mentor at School 1, when that was not the case.**

The panel noted that Mr Patel admitted allegations 5(a), 5(b) and 5(c), as set out in the response to a notice of hearing signed by him on 18 October 2024.

The panel considered the written representations made by Mr Patel on 14 August 2022, where he explained that he omitted School 2 from his CV because he was there for only one day and did not think it was appropriate to mention such a brief tenure.

Regarding School 1, he wrote that he had included it on his CV, but agencies often informed him that School 1 had not provided a reference. He now understands that they would not have given him a suitable reference anyway, but at the time, he was confused because he believed everything had been resolved, and the police investigation had cleared him of any charges. He even emailed School 1 asking why they had not provided a reference but received no response. He felt stuck in a situation where [REDACTED] to work but could not secure a job due to the lack of references.

Mr Patel acknowledged full responsibility for the referee issue. He wrote that he thought it would be acceptable to use a former colleague as a referee because they had worked together in a teaching environment. The only incorrect part was claiming that this colleague was employed at School 1 and was his NQT Mentor when, in fact, he was just a regular teacher. Mr Patel admitted that using this referee and claiming he was his NQT Mentor was dishonest, done out of desperation and hope. He stated that he had worked hard to become a teacher and believed that, despite his mistakes, he felt that he could still be a good teacher.

The panel considered Mr Patel's application to School 3 and his CV. The panel noted that Mr Patel did not include his employment at School 2 on his CV.

The panel considered the oral evidence and written statement of Witness C, who stated that on a date he could not recall, he received Mr Patel's CV from Individual A [REDACTED]. He stated that they offered Mr Patel an interview.



Witness C submitted that Individual A provided a reference from Person K, [REDACTED], and Individual A told him over the phone that, “*the referee has stated Harper Green but that is where the referee currently works. They both worked together in [Mr Patel’s] previous role from 2018-2020. The referee was [Mr Patel’s] NQT mentor.*” Witness C stated that he had no reason to doubt the reference.

The panel considered the oral evidence and written statement of Witness B, who stated that Mr Patel provided two referees, one of which was from Person K. Witness B stated that he later confirmed that Person K was a friend of Mr Patel’s and Mr Patel lied about Person K being his mentor.

Witness B stated that he also asked the members of the senior leadership team at School 1 whether they knew Person K, and they confirmed that they did not recognise the name and did not think that Person K ever worked at School 1.

The panel concluded that Mr Patel had not provided the name of an appropriate referee from School 1, as Person K had not worked there.

The panel found allegation 5(a), 5(b) and 5(c) proven.

**6. Your conduct at any or all of 5(a) and/or 5(b) and/or 5(c) was dishonest, in that you knew that you had caused or allowed incomplete and/or misleading information to be provided to your recruitment agency and/or School 3.**

Having found Mr Patel’s conduct at 5(a), 5(b) and 5(c) proven, the panel then considered whether this conduct was dishonest.

The panel considered that Mr Patel admitted allegation 6, as set out in the response to a notice of hearing signed by Mr Patel on 18 October 2024.

The panel considered whether Mr Patel had acted dishonestly in relation to the proven facts of allegations 5(a), 5(b) and 5(c). In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* and considered all of the evidence before it.

The panel first sought to ascertain the actual state of Mr Patel’s knowledge or belief as to the facts.

Mr Patel admitted that he resorted to dishonesty because he was not getting jobs with genuine references. He explained that no one informed him he could not secure a job, and when he kept failing to get one, he decided to dishonestly provide a reference. He clearly knew that Person K had not worked at the school and had never been his mentor, but he fabricated a story around this individual to his benefit. As a result, he obtained a job through his dishonesty.

The panel noted that Mr Patel admitted that his actions were dishonest. Upon examination of the documents, the panel concluded that there could be no doubt that Mr Patel knew his actions were dishonest. The panel was satisfied that there was no evidence that Mr Patel had considered that he was doing the right thing and that, on the balance of probabilities, he had been dishonest.

The panel considered that the actions of Mr Patel as outlined at allegations 5(a), 5(b) and 5(c) had undoubtedly been dishonest according to the standards of ordinary decent people.

The panel found allegation 6 proven.

### **Findings as to unacceptable professional conduct and 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 Patel, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Patel 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
  - treating pupils with dignity, building relationships rooted in mutual respect, and 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
- 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 noted that some of the alleged conduct occurred outside the educational setting. However, the panel was satisfied that Mr Patel's actions were relevant to his profession as a teacher, as Pupil A was [REDACTED] at the start of their communication, which was intrinsically linked to the conduct. Allegation 1, involving the sharing of accounts, took place in school, and the subsequent actions followed from there.

The panel was satisfied that the conduct of Mr Patel amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also noted that, as outlined in the response to a notice of hearing signed by Mr Patel on 18 October 2024, he admitted that his conduct as admitted at parts of allegation 2 and allegations 1, 3, 5, and 6 amounted to unacceptable professional conduct and conduct that brings the profession into disrepute.

The panel also considered whether Mr Patel's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offences of serious dishonesty, sexual communication with a child, and controlling coercive behaviour were relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with the guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, the panel concluded that each of the allegations based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

Accordingly, the panel was satisfied that Mr Patel 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 panel considered that although some of the conduct occurred outside the educational setting, it was still serious and stemmed from Mr Patel's role as a teacher. The misconduct occurred in the course of teaching and breached professional standards. Mr Patel's conduct was relevant to working with children in an educational setting, impacting the safety and security of pupils and, therefore, the public confidence. The panel concluded that hearing about this misconduct would be extremely likely to have a negative impact on the teaching profession.

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, therefore, found that Mr Patel's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the allegations proved, the panel further found that Mr Patel'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 Mr Patel, which involved, allowing pupils to add him on TikTok, engaging in and sending inappropriate messages solely to Pupil A; a failure to disclose safeguarding concerns regarding a pupil [REDACTED] and dishonesty. The panel was of the view that there was a strong public interest consideration in the safeguarding and wellbeing of pupils, the protection of other members of the public, and declaring and upholding proper standards of conduct.

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

The panel understood that there was a public interest consideration in retaining the teacher in the profession.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Patel. 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 Mr Patel. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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);
- 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;
- concealment including:
  - lying to prevent the identification of wrongdoing.

The panel noted that, as outlined in the advice, it should assign appropriate weight and seriousness to online behaviours, including but not limited to online misconduct and the facilitation of inappropriate relationships (including those that are exclusively online).

Even though 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 no evidence that Mr Patel's actions were not deliberate. The panel found his actions to be calculating, including in particular the act of creating a separate Snapchat to communicate solely with Pupil A.

There was no evidence that Mr Patel was acting under extreme duress.

There was no evidence that Mr Patel demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel considered Mr Patel's written statement, in which he acknowledged his mistakes and stated that his conduct was not malicious or intentional. However, Mr Patel did not provide character references or any other mitigating evidence, other than his written and oral evidence.

Mr Patel gave oral evidence and submissions at the hearing, and, therefore, the panel examined the extent to which Mr Patel demonstrated insight or remorse.

The panel concluded that Mr Patel demonstrated a lack of insight, particularly due to his attitude towards the underlying allegations.

The panel found that Mr Patel did not fully understand the severity or potential impact of his actions. He failed to show insight into the effects of his actions on Pupil A or the power dynamic between them. Although he admitted his behaviour was inappropriate, the panel concluded that he did not appear to grasp the full implications.

Regarding allegations 5(a), 5(b), and 5(c), the panel noted that Mr Patel admitted to resorting to dishonesty because he was not securing jobs with genuine references. However, the panel found that he did not demonstrate insight into the fact that this did not excuse his dishonesty in providing a false reference to secure employment. Additionally, he failed to understand the safeguarding importance of providing accurate references in the education setting.

The panel found there was limited evidence of regret or remorse on the part of Mr Patel.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would

unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Patel of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Patel.

The following were significant factors in forming that opinion: Mr Patel had engaged in and developed an inappropriate relationship with a [REDACTED] pupil; he failed to disclose serious and important safeguarding matters, namely a pupil [REDACTED]; and he had acted dishonestly to serve his own interests.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The panel considered paragraph 51 of the Advice which sets out a list of behaviours that, if proved, would weigh in favour of a longer period before a review is considered appropriate. One of these behaviours includes serious dishonesty. The panel found that Mr Patel falsely claimed that Person K was from his mentor at School 1, despite knowing that Person K had never worked at the school nor been his mentor. This dishonesty enabled Mr Patel to secure a job within an education setting.

The panel considered paragraph 50 of the Advice which sets out a list of behaviours that, if proved, would weigh in favour of not offering a review period. The panel found that Mr Patel was responsible for the following behaviours; serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child.

The panel determined that Mr Patel's actions were sexually motivated and constituted an abuse of his position of trust. The panel considered his conduct to be at the more serious end of the spectrum, as it involved both sexually motivated and dishonest behaviour. Additionally, the panel noted Mr Patel's abuse of position of trust, the lack of insight and remorse on the impact on Pupil A, a [REDACTED], and concluded that there was a risk of this behaviour being repeated.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the

circumstances, for the prohibition order to be recommended without provisions for a review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

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

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

In particular, the panel has found that Mr Patel 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
  - treating pupils with dignity, building relationships rooted in mutual respect, and 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
- 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 Patel involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of engaging in and sending inappropriate messages to a pupil, failure to report safeguarding concerns, sexual motivated conduct and dishonesty.



I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, 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 Patel, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Patel, which involved, allowing pupils to add him on TikTok, engaging in and sending inappropriate messages solely to Pupil A; a failure to disclose safeguarding concerns regarding a pupil [REDACTED] and dishonesty. The panel was of the view that there was a strong public interest consideration in the safeguarding and wellbeing of pupils, the protection of other members of the public, and declaring and upholding proper standards of conduct." 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 concluded that Mr Patel demonstrated a lack of insight, particularly due to his attitude towards the underlying allegations." The panel has also commented that "The panel found there was limited evidence of regret or remorse on the part of Mr Patel." In my judgement, the lack of full remorse or insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have 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 Mr Patel was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of a failure to report safeguarding concerns related to a pupil, sexual motivated conduct and dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, 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 Patel himself and the panel commented “The panel understood that there was a public interest consideration in retaining the teacher in the profession.” They went on to say “There was no evidence that Mr Patel demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

A prohibition order would prevent Mr Patel 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 lack of full remorse or insight. The panel has said:

“The panel found that Mr Patel did not fully understand the severity or potential impact of his actions. He failed to show insight into the effects of his actions on Pupil A or the power dynamic between them. Although he admitted his behaviour was inappropriate, the panel concluded that he did not appear to grasp the full implications.”

“Regarding allegations 5(a), 5(b), and 5(c), the panel noted that Mr Patel admitted to resorting to dishonesty because he was not securing jobs with genuine references. However, the panel found that he did not demonstrate insight into the fact that this did not excuse his dishonesty in providing a false reference to secure employment. Additionally, he failed to understand the safeguarding importance of providing accurate references in the education setting.”

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Patel. The following were significant factors in forming that opinion: Mr Patel had engaged in and developed an inappropriate relationship with a [REDACTED] pupil; he failed to disclose serious and important safeguarding matters, namely a pupil [REDACTED]; and he had acted dishonestly to serve his own interests.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Patel has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The panel determined that Mr Patel's actions were sexually motivated and constituted an abuse of his position of trust. The panel considered his conduct to be at the more serious end of the spectrum, as it involved both sexually motivated and dishonest behaviour. Additionally, the panel noted Mr Patel's abuse of position of trust, the lack of insight and remorse on the impact on Pupil A, a [REDACTED], and concluded that there was a risk of this behaviour being repeated."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings, involving sexual motivated behaviour with a pupil and dishonesty, along with the lack of full remorse or insight.

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

**This means that Mr Zahid Patel is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Patel shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Patel has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Sarah Buxcey**

**Date: 28 January 2025**

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