



Teaching
Regulation
Agency

Mr Omar Patel: Professional conduct panel meeting outcome

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

February 2025

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

Teacher:	Mr Omar Patel
Teacher ref number:	1232378
Teacher date of birth:	06 August 1984
TRA reference:	22997
Date of determination:	12 February 2025
Former employer:	Joseph Leckie Academy, Walsall (the Academy)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened online via Microsoft Teams on 12 February 2025 to consider the case of Mr Omar Patel.

The panel members were Mr Martyn Stephens (lay panellist – in the chair), Miss Janette McCormick (lay panellist) and Mrs Bev Williams (teacher panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Patel that the allegation be considered without a hearing. Mr Patel provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of a presenting officer or Mr Patel, who is not represented.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 31 January 2025.

It was alleged that Mr Patel was guilty of having been convicted of a relevant offence, in that he was convicted of:

1. Attempt/engage in sexual communication with a child on 01/12/23

Mr Patel admitted the facts and that they amount to a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of referral and response – pages 5 to 13

Section 3: Statement of agreed facts – pages 13 to 21

Section 4: Teaching Regulation Agency documents – pages 22 to 88

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Patel on 9 January 2025.

Decision and reasons

The panel announced its decision and reasons as follows:

In advance of the meeting, the TRA agreed to a request from Mr Patel for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Patel had worked at the Academy since 1 September 2017. He was a class teacher. In November 2023, outside of school, he used an online chatroom and spoke to someone who told him they were 13. On that occasion, he stopped the conversation. Then on 1 December 2023, again outside of school, Mr Patel engaged in online sexual communication with an undercover police officer purporting to be a 13-year-old girl. During that communication, he said that he used Snapchat to send “dirty” videos and pictures of his penis. He was arrested on the same day and interviewed but made no comment. He was then charged. He resigned from his teaching post on 13 December 2023. On 5 January 2025 he pleaded guilty at Birmingham Crown Court. He was sentenced to 22 weeks’ imprisonment, suspended for 2 years, ordered to undertake 120 hours of unpaid work and 30 days of rehabilitation activity, and made subject to a sexual harm prevention order and sex offenders’ notification requirements for seven years.

Findings of fact

The findings of fact are as follows:

You were convicted of:

1. Attempt/engage in sexual communication with a child on 01/12/23

The panel found this particular proved by the evidence, including the certificate of conviction, the transcript of sentencing hearing, and Mr Patel’s admission.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proven allegation amounted to conviction of a relevant offence.

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 it 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

- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, ...
- 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 the Mr Patel's actions were relevant to teaching, working with children and working in an education setting. Although his offence did not take place in the course of work, and did not involve one of his pupils, it did involve sexual communications with a person he believed to be 13 years old. He would have understood that person to be a pupil at a school, albeit not one of his pupils.

At his sentencing hearing, the judge said that the fact Mr Patel was a teacher at a secondary school was an aggravating factor because:

- As a teacher and professional, he was expected to behave with appropriate dignity and respect for the law; and
- Mr Patel would have received a considerable amount of safeguarding training, and would be more aware than most people of the vulnerability of young people and the need to respect them.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Patel's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Patel's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual communication with a child, which the Advice states is likely to be considered a relevant offence.

The panel took into account Mr Patel's admission and previous good character. During the sentencing hearing, it was noted that he had not committed any previous offences and was described as a respectable teacher.

Overall, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Patel's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to

reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the 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 ensuring that prohibition strikes the right balance between the rights of the teacher and the public interest.

In the light of the panel's findings against Mr Patel, which involved the commission of a serious criminal offence relating to attempted sexual communication with a child, there was a strong public interest consideration in respect of 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 Mr Patel was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided 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 recognised that Mr Patel was of previous good character, but it had no evidence suggesting that there was a strong public interest consideration in retaining him in the profession.

Notwithstanding 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.

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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature ...

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.

In the light of the panel's findings, there was no evidence that Mr Patel's actions were not deliberate, and he was not acting under duress. The panel accepted that prior to this offending, he was of good character.

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 was 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 nature and seriousness of his offending was a significant factor in forming that opinion. 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice

states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. 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 their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child.

Although Mr Patel has made admissions, there is no evidence of insight, remorse or remediation.

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 the allegation proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Omar 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
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a teacher being convicted of attempting to engage in sexual communications with a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting 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 and safeguard pupils. The panel observes the following:

“In the light of the panel's findings against Mr Patel, which involved the commission of a serious criminal offence relating to attempted sexual communication with a child, there was a strong public interest consideration in respect of 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 it sets out as follows: “Although Mr Patel has made admissions, there is no evidence of insight, remorse or remediation.” In my judgement, the lack of evidence that Mr Patel has developed any insight into his behaviour 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 records the following:

“The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Patel’s behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the finding in this case of a secondary school teacher being convicted and receiving a sentence of imprisonment (suspended) for attempting to engage in sexual communications with a girl who he understood to be 13 years old, and the very negative impact that such a finding is likely to have 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 a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Patel himself. The panel notes the following:

“The panel recognised that Mr Patel was of previous good character, but it had no evidence suggesting that there was a strong public interest consideration in retaining him in the profession.”

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 very serious nature of the misconduct found, the likely negative effect of that misconduct on the standing of the profession, and the absence of evidence of insight or remorse and the risk this presents of repetition.

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, 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.

In doing so the panel has referenced the Advice as follows:

“The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. 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 their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child.”

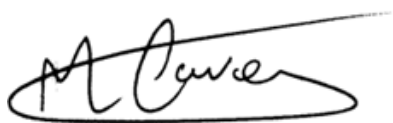
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found by the panel, which in my judgment constitutes behaviour fundamentally incompatible with working as a teacher, as well as the absence of insight and remorse and the unacceptable risk of repetition this creates.

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 Omar 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 allegation 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.

A handwritten signature in black ink, appearing to read 'M. Curre', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 13 February 2025

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