



Teaching
Regulation
Agency

Miss Anita Sawhney: Professional conduct panel outcome

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

March 2025

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	7
Documents	7
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	19
Decision and reasons on behalf of the Secretary of State	22

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

Teacher: Miss Anita Sawhney
TRA reference: 19842
Date of determination: 10 March 2025
Former employer: Midpoint Centre, Wolverhampton

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 4 to 10 March 2025 by way of a virtual hearing, to consider the case of Ms Anita Sawhney.

The panel members were Mr Duncan Tilley (lay panellist – in the chair), Mrs Ashley Emmerson (teacher panellist) and Ms Wendy Shannon (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Alexander Barnfield of Capsticks LLP solicitors.

Ms Sawhney was present and was represented by Mr Jonathan Storey 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 25 November 2024.

It was alleged that you were guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, while employed as a teacher at Midpoint Centre ('the School'):

1. Between 19 and 21 October 2020, you attended work whilst experiencing a potential symptom of coronavirus;
2. On or around 22 October 2020 during the coronavirus pandemic and having informed the School that you were not able to attend work because you had a temperature, you travelled by plane from the UK to India;
3. –
 - a) On 22 October 2020, you left a message on the School's absence line which was misleading in that it stated or implied that you were not able to attend the School because you had a temperature and/or that you might be able to attend the School on 23 October 2020;
 - b) In the alternative to (3a) when you became aware on 22 October 2020 that you had left a misleading message on the School's absence line you failed to contact the School and correct any misapprehension arising from that message;
 - c) You exchanged text messages with the head teacher of the School which stated or implied:
 - i. That if you had not recovered by 23 October 2020 you would take a coronavirus test; and/or
 - ii. That you had a temperature for the last few days in response to a direction that you would need to self-isolate for 14 days.
4. By your conduct in any or all of the sub-paragraphs at paragraph 3 above and/or by not updating the School until 29 October 2020 about your absence from School on 22 and 23 October 2020 it was misleading, including in that you did not disclose:
 - a) You had previously taken a coronavirus test on 20 October 2020;
 - b) You had received on 21 October 2020 a negative result from the coronavirus test;

- c) You would be, were travelling or had travelled to London or Heathrow;
 - d) You would be, were travelling or had travelled to India;
 - e) You were not self-isolating on 22 October 2020;
 - f) You would not be able to attend School on 23 October 2020 because you had travelled to India;
 - g) You were not self-isolating and/or you were not in Birmingham on 23 October 2020;
5. By your conduct at paragraph 1 above, you created a potential risk to the School environment.
 6. By your conduct in any or all of paragraphs 1 to 4 above you failed to act with integrity.
 7. Your conduct at paragraph 3 and/or 4 above was dishonest.

At the start of the hearing Ms Sawhney, via her legal representative, confirmed her admissions to the allegations above save for allegations 1, 5 and 7 which were not admitted.

Preliminary applications

Although there were no formal preliminary applications, the panel considered a couple of preliminary matters which arose at the start of the hearing.

Additional documents

The panel considered at the outset whether the additional late documents provided by Ms Sawhney's representative, namely a 46-page bundle containing Ms Sawhney's response to the notice of proceedings, witness statement and exhibits, should be admitted.

The panel noted that the documents 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 Ms Sawhney's representative in respect of the additional late documents. The panel noted that the presenting officer did not have an objection to the documents being admitted and agreed that they were relevant to the

proceedings. Further, the panel considered that admitting the documents would not disadvantage either party and admitting them was in the public interest and appropriate.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Matters of privacy

The panel considered that during the hearing there may be time where there may be references made to matters of [REDACTED].

The panel therefore considered that, where such matters [REDACTED] were raised, these parts of the hearing should be heard in private.

The panel heard submissions from the presenting officer before reaching its decision. The presenting officer did not have an objection to the application.

The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Ms Sawhney's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore agreed that matters relating to Ms Sawhney's [REDACTED] would be heard in private.

Amending allegations

The panel noted that there were some minor typographical and grammatical errors to the allegations.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

Both Ms Sawhney's representative and the presenting officer agreed that it was appropriate to amend the allegations.

The panel considered that the proposed amendments would not change the nature and scope of the allegations. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

Accordingly, the panel considered the amended allegations, which are set out above and were agreed by all parties during the hearing.

Application for statement of witness to be admitted as hearsay

At the start of the hearing, the panel was made aware that Witness D (witness originally called to give evidence on behalf of the TRA), would not be attending the hearing and, as such, that Witness D's statement could be admitted as hearsay evidence in the absence of the witness.

The panel carefully considered the submissions made by the presenting officer in determining whether it would be fair to admit the statement as hearsay evidence. The panel noted that there was no objection to its admission as hearsay evidence by Ms Sawhney's representative. 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 will be admitted and will be 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 and anonymised pupil list – pages 1 to 7
- Section 2: Notice of proceedings and response – pages 8 to 41
- Section 3: Teaching Regulation Agency witness statements – pages 42 to 61
- Section 4: Teaching Regulation Agency documents – pages 62 to 487
- Section 5: Teacher documents – pages 488 to 499.

In addition, the panel agreed to accept the following:

- 46-page bundle of Teacher documents containing Ms Sawhney's response to the notice of proceedings (pages 2 to 5), witness statement and (pages 6 to 46).

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 witnesses called by the TRA:

- Witness A
- Witness B
- Witness C

The panel also heard oral evidence from Ms Sawhney.

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 24 April 2017, Ms Sawhney commenced her role as a teacher at Midpoint Centre ('the School').

On 17 October 2020, flights to India for Ms Sawhney and her partner were booked, to depart on 22 October 2020 with a return date of 31 October 2020.

Ms Sawhney and her partner had private covid tests conducted at 4:45pm on 20 October, that came back as negative on 21 October 2020.

Ms Sawhney told the School at the end of the School day that she had been suffering with a raised temperature on 21 October 2020. She was requested to leave the School immediately and to have a covid test. She did not inform the School that she had already had a test the previous day.

On 22 October 2020, Ms Sawhney left a voicemail to the School, saying that she had a temperature and that she'd had this for the past two to three days, and would not be coming in. Ms Sawhney indicated that she would see how she was that evening, as to whether she could work the next day.

Ms Sawhney called Witness B on 29 October 2020, stating that she was in India due to a family issue and was unable to get a flight back until 11 November 2020.

On 16 February 2021, the matter was referred to the TRA by the School.

Findings of fact

The findings of fact are as follows:

1. Between 19 and 21 October 2020, you attended work whilst experiencing a potential symptom of coronavirus;

The panel noted that this allegation was not admitted.

The panel considered the oral evidence and written statement of Witness A who stated that Ms Sawhney was absent on 22 October 2020, and that she had left a voicemail that morning explaining that she had a raised temperature and she'd had this for the past few days.

Witness A submitted that she was concerned as Ms Sawhney had been at School the past few days whilst experiencing her raised temperature, and that the guidelines were to immediately go home and take a PCR covid test if you had any covid symptoms. She stated that the School had measures in place to assist staff for when this happened.

Witness A stated that she found out that Ms Sawhney was in India on 2 November 2020.

The panel considered that the evidence was that Ms Sawhney was at work at the School between 19 and 20 October 2020 and that this evidence had not been challenged.

The panel considered the oral evidence and written statement of Witness B who stated that he was concerned that Ms Sawhney had been in School working whilst she had a possible symptom of covid, in that she said on 22 October 2020 that she had had a raised temperature for the past few days.

The panel considered the written statement of Witness D, who stated that on 22 October 2020, Ms Sawhney left a voicemail on the absence line expressing that she'd had a raised temperature for the past few days, which concerned Witness D as this went against the covid guidance and Ms Sawhney should have reported this to her line manager. Although the panel noted that Witness D was not available to provide oral evidence at the hearing, her evidence on this matter was consistent with the rest of the evidence. Nevertheless, the panel applied the appropriate amount of weight to Witness D's written statement but felt that her evidence was clear.

The panel considered the oral evidence and written statement of Witness C who stated that Ms Sawhney admitted she did not tell anyone that she had a high temperature but did not believe that she needed to.

The panel considered the oral evidence and written statement of Ms Sawhney who stated that at the end of the day on 21 October 2020, she was requested to leave the School after she said she had a high temperature. The panel further noted that Ms Sawhney's evidence was that her raised temperatures were at night and/or in the mornings but not during the working day. Although there was no evidence from other witnesses that Ms Sawhney was visibly unwell or displaying symptoms of covid, the

panel did note that Ms Sawhney herself admitted to having reported her raised temperature to Mr Rawlinson at the end of the School day.

Ms Sawhney stated that on 22 October 2020, she called the School's absence line and said that she had been experiencing a rise in her temperature "*from the past 2,3 days yesterday and again this night*", and that she would ring again to update them as to whether or not she would be well enough to resume work the next day. The panel considered that, by virtue of Ms Sawhney admitting to raised temperatures, both at night and in the mornings before this date and on the afternoon of 21 October 2020, she had accepted having attended work with a temperature.

Ms Sawhney gave oral evidence that she did not think at the time she needed to report her raised temperature earlier as she had a negative covid test. The panel noted Ms Sawhney's written and oral admission that she should have reported that she had a temperature. In Ms Sawhney's oral evidence she admitted that temperatures are a clear symptom of covid. The panel considered Ms Sawhney's belief that she needed more than one symptom of covid and that having a raised temperature was not in itself something which could be passed on to others. However, the panel was aware of the widespread guidance and information about covid at the time and of Ms Sawhney's role and experience as a science teacher. The panel took the view that Ms Sawhney was likely to have known that a raised temperature was a key symptom of covid on its own especially taking into account the School's regular communication as to the relevant guidelines.

Ms Sawhney stated that she suffered with a temperature when she was stressed or tired. She stated that she had been testing regularly and never had covid.

The panel noted that it was widely reported at the time that raised temperatures were a symptom of covid and that the guidance at the time, which Ms Sawhney admitted she was aware of, was clear that you should take a covid test and self-isolate if you had a raised temperature.

In light of the above, the panel found that Ms Sawhney had attended work at the School between 19 and 21 October 2020 whilst experiencing a potential symptom of covid, namely a raised temperature.

The panel found allegation 1 proven.

2. On or around 22 October 2020 during the coronavirus pandemic and having informed the School that you were not able to attend work because you had a temperature, you travelled by plane from the UK to India

The panel noted that this allegation was admitted. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel had sight of Ms Sawhney's plane ticket, booked through a travel agent, showing her flight from London Heathrow airport to Delhi at 3pm on 22 October 2020.

The panel considered the written statement of Witness D who stated that she found out that Ms Sawhney was in India on 29 October 2020 from Witness B. She stated that she spoke to Ms Sawhney who said that she had not planned to go to India but it had come up suddenly.

The panel considered the written statement and oral evidence of Witness B and, in particular the text messages exchanged between Witness B and Ms Sawhney within which she admitted that she was in India. The panel also considered Ms Sawhney's admission that she and her partner had taken private covid tests, which would have facilitated travel to India at the time and that she did not deny having travelled to India.

The panel considered the written statement of Ms Sawhney in which she stated that she admitted this allegation and that she had travelled to India [REDACTED]. She stated [REDACTED] she did not appreciate that she needed to inform the School she was travelling to India or seek special approval.

The panel found that Ms Sawhney had travelled from the UK by plane to India on or around 22 October 2020 having told the School that she was not able to attend work because of a temperature.

The panel found allegation 2 proven.

3. –

- a) **On 22 October 2020, you left a message on the School's absence line which was misleading in that it stated or implied that you were not able to attend the School because you had a temperature and/or that you might be able to attend the School on 23 October 2020;**
- b) **In the alternative to (3a) when you became aware on 22 October 2020 that you had left a misleading message on the School's absence line you failed to contact the School and correct any misapprehension arising from that message;**

The panel noted that this allegation was admitted. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel had sight of an email sent by Witness A to Witness C, outlining the transcript of the answer phone message left by Ms Sawhney on 22 October 2020. The message read as follows:

"Hello [REDACTED], this is Anita Sawhney here from Midpoint. I have got a temperature and I won't be able to come in today so I just want to let you know, I will inform you if I am

ok by the end of the day but it looks like I had a temperature from the past 2, 3 days, yesterday and again this night so I will inform you if I have to be back tomorrow, thank you.”

The panel considered the written statement of Witness D, who stated that on 22 October 2020, Ms Sawhney left a voicemail on the School’s absence line, saying that she had a temperature. The panel noted that Witness D was not present to provide oral evidence at the hearing but considered her written evidence to be consistent with the rest of the evidence available before it at the hearing.

The panel considered the oral evidence and written statement of Witness C who stated that Ms Sawhney left a voicemail on the School’s absence line. He stated that the voicemail was of poor sound quality so he was unsure if the voicemail said two to three days or two, three days, but that it was clear that Ms Sawhney was reporting that she had a temperature that she had not previously declared and had been working whilst having one.

Although Witness C was present at the hearing to give his oral evidence, he was only able to comment on the information that he had been made aware of as part of his investigation and which he wrote in his report.

In Witness C’s report, he noted that Ms Sawhney’s and her partner’s tickets had been purchased on 17 October 2020, five days before she called in absent. He stated that she had already completed a private coronavirus test before she called in sick which she did not disclose.

The panel considered the written statement of Ms Sawhney who stated that she denied allegation 3(a) and admitted allegation 3(b). The panel noted that Ms Sawhney admitted allegation 3 in its entirety at the start of the hearing. She stated that, prior to 22 October 2020, she did not know that her partner had booked their flights to India, and she had no intention of misleading anyone.

The panel considered that Ms Sawhney had chosen not to correct the impression which she had given to the School which was that she was not able to attend School on 22 October 2020 because she had a raised temperature and may also not be able to attend the following day, 23 October 2020.

The panel considered that in doing so, Ms Sawhney had misled the School and that, on the balance of probabilities, found that Ms Sawhney had reason to mislead the School about this due to her travel to India and an associated need to have a reason to be absent from School on those dates.

The panel found allegation 3(a) proven. For the reasons already outlined, the panel did not deem it necessary to go on to consider allegation 3(b) in the alternative. The panel did not conclude that Ms Sawhney only later became aware of the planned flights.

c) You exchanged text messages with the head teacher of the School which stated or implied:

- i. That if you had not recovered by 23 October 2020 you would take a coronavirus test; and/or**
- ii. Confirmed you had a temperature for the last few days in response to a direction that you would need to self-isolate for 14 days.**

The panel considered screenshots, provided in the bundle, of text messages between Ms Sawhney and Witness B. The messages read as follows:

22 October 2020:

- Witness B at 7:14 am *“Sorry you’re not feeling well. You may need to get a test? Look after yourself”*
- Ms Sawhney *“Thanks if it does not recover by tomorrow I will take care [sic]”*
- Witness B *“Okay dokey”*
- Witness B then sent *“Anita you can’t come in tomorrow. You need to self-isolate. Have you had a temperature for the last few days”*
- Ms Sawhney at 11:36 am *“Yes at night”*

Another day being a Tuesday:

- Witness B at 15:53 *“Anita. You will have to self-isolate for 14 days when you return to the UK. on the 12th November”*

The panel considered the oral evidence and written statement of Witness B, who stated that Ms Sawhney called him and told him that she was not feeling well and would come in Friday if she was feeling better. He stated that he then sent her a text to say that he hoped she would get well soon, and confirmed that she would need to take a test.

The panel considered the written statement of Ms Sawhney, where she admitted allegation c(i), but denied allegation c(ii). The panel also noted that Ms Sawhney confirmed that she admitted allegation 3 in its entirety at the start of the hearing. She stated that on 22 October 2020, she rang the School’s absence line at 6:39am to say she had a temperature and would ring back to let them know if she would be in the following day. Ms Sawhney stated that Witness B sent her a text indicating that she should take a covid test, and so she replied suggesting that she would take one if she did not recover the next day, to which Witness B told her to not come into work the next day as she should self-isolate. Ms Sawhney did not inform Witness B that she had already taken a private covid test and/or that she had by then received a negative test result.

Ms Sawhney stated that she went back to bed and woke up again between 9:00 and 9:30 am, when her partner suggested they should go to London to visit friends. Ms Sawhney said she then went with her partner to London.

Ms Sawhney stated that, at the time of her communications with the School, she thought she might be able to return to work on 23 October 2020, as at that time she did not know that her partner had booked flights to India. The panel noted that this was inconsistent with Ms Sawhney's previous contention which was that she was aware that she was going to London to stay with friends for a couple of days.

The panel also noted that in Ms Sawhney's oral and written evidence she had not disclosed to the head teacher of the School that she had taken a private PCR covid test and that she had an opportunity to correct any previous misleading statements regarding her symptoms and testing at the time. Further, the panel noted that Ms Sawhney was aware of the NHS guidance at the time which included the requirement to take a test if one or more covid symptoms was present and, self-isolate for 14 days if covid was detected.

The panel therefore found allegation 3(c) proven.

The panel found allegation 3(a) and (c) proven though it made no finding in relation to allegation 3(b) in the alternative.

4. By your conduct in any or all of the sub-paragraphs at paragraph 3 above and/or by not updating the School until 29 October 2020 about your absence from School on 22 and 23 October 2020 it was misleading, including in that you did not disclose:

- a) You had previously taken a coronavirus test on 20 October 2020;**
- b) You had received on 21 October 2020 a negative result from the coronavirus test;**
- c) You would be, were travelling or had travelled to London or Heathrow;**
- d) You would be, were travelling or had travelled to India;**
- e) You were not self-isolating on 22 October 2020;**
- f) You would not be able to attend School on 23 October 2020 because you had travelled to India;**
- g) You were not self-isolating and or you were not in Birmingham on 23 October 2020;**

The panel noted that this allegation was admitted. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted the medical certificate from Midland Health dated 21 October 2020. This detailed that Ms Sawhney had a covid test taken at 4:45pm on 20 October 2020, and that this had come back as negative.

The panel considered the written statement of Witness D who stated that she found out from Witness B that Ms Sawhney was in India on 29 October 2020. Although Witness D did not give oral evidence at the hearing, the panel considered that this was consistent with Ms Sawhney's admission and the rest of the evidence available to it. Witness D evidence was that she had spoken to Ms Sawhney on her return from India and she had said that she had taken a private covid test which had come back negative. The panel was aware that Ms Sawhney had taken NHS covid tests which were also shown as negative in August/September 2020.

The panel had sight of Ms Sawhney's plane ticket, booked through a travel agent showing her flight from London Heathrow airport to Delhi at 3pm on 22 October 2020.

The panel noted the screenshots of text messages, and the voicemail she left, and noted that Ms Sawhney had not mentioned that she would be travelling to India and would be absent on 23 October 2020 as a consequence.

Witness D stated in her written evidence that Ms Sawhney did not communicate with her or another member of staff before she went to India.

The panel considered the oral evidence of Ms Sawhney and was not persuaded by her recollection of the timings of her knowledge of having flights booked to travel to India. The panel considered that Ms Sawhney had misled the School by failing to update them which potentially would either have left the School with a false impression that she was feeling better but was on half term, or that she was still symptomatic but was self-isolating. At this time, the School had no idea that Ms Sawhney had travelled to India.

The panel considered the evidence that Ms Sawhney had taken a private PCR test on 20 October 2020 and had not informed the School of this fact. The panel also considered the fact that Ms Sawhney thought the result was emailed to her but that she had not done anything to inform the School of the result and chose not to do so when she had this opportunity to provide accurate information to the School even when, by Ms Sawhney's account, she later became aware of her travel to London and then to India. The panel noted that Ms Sawhney could have contacted the School at any point to inform them of her test and her travel plans. The panel noted that Ms Sawhney regretted having misled the School about her self-isolating when she was in fact travelling to London and then India and that she was sorry for having done so.

The panel found allegation 4 proven.

5. By your conduct at paragraph 1 above, you created a potential risk to the School environment.

The panel noted that this allegation was not admitted.

The panel considered the oral evidence and written statement of Witness B. He stated that he was frustrated to discover that Ms Sawhney was in School with possible symptoms of covid without telling anyone which was in breach of the covid policy and was therefore a concern for the health and welfare of staff and pupils and in turn the pupils' families. He stated that this could have led to wider issues such as the School having to close down due to the risk of spreading the infection which had happened on a number of occasions during the pandemic.

The panel found that Ms Sawhney had attended work at School with a raised temperature which was a symptom of covid. The panel also noted that Ms Sawhney had stated that she understands the potential risks involved with doing this, for which she was sorry. The panel found that Ms Sawhney's actions had therefore put staff, children and the whole School environment at risk.

The panel found allegation 5 proven.

6. By your conduct in any or all of paragraphs 1 to 4 above you failed to act with integrity.

The panel noted that this allegation was admitted. Notwithstanding this, the panel made a determination based on the facts available to it. The panel noted that allegations 1 to 4 had all been found proven, save for allegation 3(b) which it had not deemed it necessary to consider having found allegation 3(a) proven.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel was mindful that professionals are not expected to be "*paragons of virtue*". However, on examination of the documents, the panel was satisfied that Ms Sawhney had acted deliberately in contravention of the guidance and School policy, which in turn amounted to a clear failure to act within the higher standards expected of a teacher.

The panel noted that Ms Sawhney had failed to act with integrity by her flagrant breaches of NHS and School guidance and policies at the time.

In reaching this conclusion, the panel considered that Ms Sawhney had breached the NHS and School guidance in order to facilitate a trip to India. The panel also considered Ms Sawhney's lack of openness and transparency. This was the case on more than one occasion, and the panel considered that this also demonstrated a pattern of behaviour which involved a clear lack of integrity on Ms Sawhney's part.

Although the panel did acknowledge that Ms Sawhney had later disclosed her travel to India, the panel noted that this was not until her return travel plans were significantly delayed. The panel also noted that Ms Sawhney was aware that the School had a policy for requesting special leave which she chose not to request at the time, choosing instead to mislead the School regarding her plans. The panel concluded that this lacked integrity. Whilst the panel did consider Ms Sawhney's potential state of mind at the time due to the events of her personal life, the panel found that Ms Sawhney's behaviour in misleading the School a number of times did lack integrity.

The panel was therefore satisfied that Ms Sawhney's conduct, as found proven at allegations 1 to 4, lacked integrity.

The panel found allegation 6 proven.

7. Your conduct at paragraph 3 and or 4 above was dishonest.

The panel noted that this allegation was not admitted.

The panel considered the written statement of Ms Sawhney who stated that she was unaware that her partner had booked their flights to India and therefore she was unaware that she was going to India later that day when she left the message for the School on 22 October 2020.

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 firstly sought to ascertain the actual state of Ms Sawhney's knowledge or belief as to the facts. The panel was not persuaded that, on the balance of probabilities, Ms Sawhney was unaware of the travel plans at the time.

The panel noted that flights to India for Ms Sawhney and her partner had already been booked and paid for using Ms Sawhney's bank account. Furthermore, they had both undertaken a private covid test. These actions had taken place before Ms Sawhney first informed the School that she was feeling unwell. The panel noted that Ms Sawhney had informed the School that she was unable to attend the PD day at School on 22 October 2020, giving the impression that she would see how she was feeling later in the day and might be able to return the next day, whilst knowing she was boarding a flight to India, and therefore could not be present the next day. Although the panel took account of Ms Sawhney's late admission to the School that she had travelled to India, they noted that she continued to provide misleading information in that she stated to Witness D that she had travelled during half term rather than being transparent about having travelled on the last days of term when she declared herself as too unwell to attend work.

The panel considered that Ms Sawhney knew that what she was doing was dishonest, and that she purposely did not disclose the truth to the School. The panel felt that Ms

Sawhney knew she was acting in contravention of the guidance, and that in this regard there could be no doubt that Ms Sawhney knew that her actions were dishonest.

The panel considered that the actions of Ms Sawhney had undoubtedly been dishonest according to the standards of ordinary decent people having found the conduct at allegations 3 and 4 to be dishonest.

The panel found allegation 7 proven.

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

Having found all of the allegations proven (save for allegation 3(b)), the panel went on to consider whether the facts of those proven 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 Ms Sawhney, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Sawhney 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
 - showing...respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance...
- 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 Ms Sawhney amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Sawhney’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. Although the panel considered the offence of fraud or serious dishonesty, the panel did not consider that Ms Sawhney’s actions were sufficient to meet the threshold of fraud or serious dishonesty.

Accordingly, the panel was satisfied that Ms Sawhney 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 therefore found that Ms Sawhney's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2, 3(a), 3(c), 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(g), 5, 6, and 7 proven and having not deemed it necessary to consider allegation 3(b) for the reasons stated, the panel further found that Ms Sawhney'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; 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 Ms Sawhney, which involved Ms Sawhney acting dishonestly and demonstrating conduct which lacked integrity there was a strong public interest consideration in declaring and upholding proper standards of conduct.

The panel considered whether public confidence in the profession could be seriously weakened if conduct such as that found against Ms Sawhney was not treated with the utmost seriousness when regulating the conduct of the profession. However, the panel also considered that there was a strong public interest consideration in retaining Ms Sawhney in the profession. The panel noted that no doubt had been cast upon Ms Sawhney's abilities as an educator over her lengthy career as a science teacher. The panel also noted that Ms Sawhney had devoted years to working as a teacher and latterly to working with particularly challenging pupils in exceptionally challenging environments. The panel therefore considered that Ms Sawhney would be able to make a valuable contribution to 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 Ms Sawhney. 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 Ms Sawhney. 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 proven. 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;
- abuse of position or trust...;
- 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...;
- collusion of concealment including:
 - lying to prevent the identification of wrongdoing.

Even though some of the behaviour found proven 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 Ms Sawhney's actions were not deliberate.

There was no evidence that Ms Sawhney acted under extreme duress although the panel did note that Ms Sawhney's actions took place during a world pandemic and at a time where Ms Sawhney was experiencing challenges in her personal life.

Although there was no documentary evidence that Ms Sawhney had demonstrated exceptionally high standards in both personal and professional conduct, the panel did note that Ms Sawhney had a lengthy and unblemished career with no specific doubt cast on her abilities as a teacher. The panel therefore considered that Ms Sawhney had, in doing so, contributed significantly to the education sector over a number of years.

The panel noted that Ms Sawhney had demonstrated some insight and remorse into her actions which was particularly evident in her written statement within which she acknowledged that she was sorry for her wrongdoing and understood that she could have done things in a different way.

The panel considered the written statement of Ms Sawhney, where she set out that she went to India [REDACTED].

[REDACTED].

Ms Sawhney stated that she has experienced a rise in temperature and body aches during the night in the past, but [REDACTED] in the mornings felt better and well enough to attend work.

Ms Sawhney stated that the period leading up to the allegations [REDACTED] was one of the most traumatic periods of her life [REDACTED]. She stated that it did not occur to her to make an application to the School for special leave.

Ms Sawhney expressed regret for what she described as omissions on her part.

The panel considered the character references submitted by the following individuals on behalf of Ms Sawhney:

- Individual A, colleague
- Individual B, colleague
- Individual C colleague

The panel noted the following comments in particular:

- *“Anita has always displayed a high degree of integrity, responsibility and ambition”*

Individual A, colleague

- *“Anita was committed to provide education to the pupils to the best of her ability. She is a flexible multi skilled person with a “can do” attitude and combines hard work with understanding and patience.”*

Individual B colleague

- *“Anita is kind, she is trustworthy and she will always put the welfare of the students and colleagues first.”*

Individual C, colleague

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

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven (with the exception of 3 b, which was not considered for the reasons outlined above) and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. I have put allegation 3 b entirely from my mind.

The panel has made a recommendation to the Secretary of State that Miss Anita Sawhney 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 Miss Sawhney 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
 - showing...respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance...
- 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 Miss Sawhney 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 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 Miss Sawhney, 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, "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; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict."

I have also taken into account the panel's comments on insight and remorse, which they set out as follows, "The panel noted that Ms Sawhney had demonstrated some insight and remorse into her actions which was particularly evident in her written statement within which she acknowledged that she was sorry for her wrongdoing and understood

that she could have done things in a different way.” 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 whether public confidence in the profession could be seriously weakened if conduct such as that found against Ms Sawhney was not treated with the utmost seriousness when regulating the conduct of the profession. However, the panel also considered that there was a strong public interest consideration in retaining Ms Sawhney in the profession. The panel noted that no doubt had been cast upon Ms Sawhney’s abilities as an educator over her lengthy career as a science teacher. The panel also noted that Ms Sawhney had devoted years to working as a teacher and latterly to working with particularly challenging pupils in exceptionally challenging environments. The panel therefore considered that Ms Sawhney would be able to make a valuable contribution to 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 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 Miss Sawhney and the panel comment “Although there was no documentary evidence that Ms Sawhney had demonstrated exceptionally high standards in both personal and professional conduct, the panel did note that Ms Sawhney had a lengthy and unblemished career with no specific doubt cast on her abilities as a teacher. The panel therefore considered that Ms Sawhney had, in doing so, contributed significantly to the education sector over a number of years.”

A prohibition order would prevent Miss Sawhney 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, “Ms Sawhney expressed regret for what she described as omissions on her part.”

I have also placed considerable weight on the finding of the panel that “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.”

I have given weight in my consideration of sanction therefore, to the contribution that Miss Sawhney has made to the profession.

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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 13 March 2025

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