



National College for
Teaching & Leadership

Mr Nitesh Patel: Professional conduct panel outcome

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

August 2015

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

Teacher:	Mr Nitesh Patel
Teacher ref number:	0044977
Teacher date of birth:	29 March 1978
NCTL case reference:	13198
Date of determination:	3 August 2015
Former employer:	The Marlborough Science Academy, St Albans

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 3 August 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nitesh Patel.

The panel members were Steve Oliver (chair – teacher panellist), Sarah Evans (teacher panellist), and Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP.

Mr Patel was present and represented by Ms Sue Sleeman of Counsel.

The meeting took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 27 May 2015.

It was alleged that Mr Patel was guilty of unacceptable professional conduct in that:

1. Whilst employed at The Marlborough Science Academy he falsely accounted for absence from work, and in particular:
 - (a) stated that he was absent on the morning of 1 October 2014 as his wife was in hospital undergoing heart tests;
 - (b) stated that his absence from 13 October to 3 November 2014 was due to his son being in hospital for breathing difficulties;

- (c) stated on 3 November 2014 that his son would remain in hospital for a further 7-10 days.
2. When applying for his role at The Marlborough Science Academy he falsely accounted for his employment history in that he:
 - (a) stated that he had left Hydesville Tower School due to redundancy and omitted the genuine reason for leaving;
 - (b) stated that he had left St Edmund's Catholic School due to promotion and omitted the genuine reason for leaving.
 3. On 18 December 2014, one day after having been dismissed from The Marlborough Academy for gross misconduct, he issued a Curriculum Vitae to recruitment agencies which falsely accounted for his employment history by:
 - (a) omitting his employment at The Marlborough Academy from 2013-2014;
 - (b) omitting his employment at Hydesville Tower School from 2007-2008;
 - (c) omitting his employment at St Edmund's Catholic School from 2003-2006;
 - (d) omitting his employment at Hamstead Hall School from 2001-2003;
 - (e) stating he had worked at Northicote School from 2001-2008.
 4. In doing 1 to 3 above he acted dishonestly in that he knowingly provided inaccurate information.

In a Statement of Agreed Facts signed by the presenting officer on 27 April 2015 and Mr Patel on 22 April 2015, Mr Patel admitted the allegations and admitted that such conduct amounted to unacceptable professional conduct.

C. Summary of evidence

Documents

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

- Section 1: Chronology and list of key people, pages 2 to 3
- Section 2: Notice of Proceedings and Response, pages 5 to 13
- Section 3: NCTL witness statements, pages 15 to 19
- Section 4: NCTL documents, pages 21 to 151
- Section 5: Teacher documents, pages 153 to 196

Ms Sleeman applied to introduce a further report from Mr Patel's GP dated 14 July 2015. Mr Perkins commented on the fact that it had not been disclosed before the morning of the hearing but did not object to the panel considering it.

The panel allowed the document to be introduced and it became page 196 of the bundle.

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

As the allegations were admitted, no witnesses were called to give evidence. However, Mr Patel gave evidence on his own behalf in mitigation.

D. Decision and reasons

The panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Brief summary

Mr Patel is a mathematics teacher. By an application dated 13 December 2013, he applied for a position as a mathematics teacher at The Marlborough Science Academy. He was successful in his application.

On certain days in the period October to November 2014, Mr Patel was absent from school but did not tell the truth when explaining the reasons for such absences.

Having been dismissed by the Academy on 17 December 2014 for acts of dishonesty, on the following day, Mr Patel then attempted to mislead recruitment agencies in the information he provided regarding his past employment.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

1. Whilst employed at The Marlborough Science Academy you falsely accounted for absence from work, and in particular:

(a) stated that you were absent on the morning of 1 October 2014 as your wife was in hospital undergoing heart tests;

(b) stated that your absence from 13 October to 3 November 2014 was due to your son being in hospital for breathing difficulties;

- (c) stated on 3 November 2014 that your son would remain in hospital for a further 7-10 days.
2. When applying for your role at The Marlborough Science Academy you falsely accounted for your employment history in that you:
- (a) stated that you had left Hydesville Tower School due to redundancy and omitted the genuine reason for leaving;
- (b) stated that you had left St Edmund's Catholic School due to promotion and omitted the genuine reason for leaving.
3. On 18 December 2014, one day after having been dismissed from The Marlborough Academy for gross misconduct, you issue a Curriculum Vitae to recruitment agencies which falsely accounted for your employment history by:
- (a) omitting your employment at The Marlborough Academy from 2013-2014;
- (b) omitting your employment at Hydesville Tower School from 2007-2008;
- (c) omitting your employment at St Edmund's Catholic School from 2003-2006;
- (d) omitting your employment at Hamstead Hall School from 2001-2003;
- (e) stating you had worked at Northicote School from 2001-2008.
4. In doing 1 to 3 above you acted dishonestly in that you knowingly provided inaccurate information.

Having read all the documents in the bundle, having listened to the submissions made, and having considered the Statement of Agreed Facts, the panel finds all allegations proved.

Findings as to unacceptable professional conduct

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as "the Advice". It also notes that Mr Patel admits that his behaviour amounts to unacceptable professional conduct.

The panel is in no doubt that the facts of the allegations admitted by Mr Patel and found proved amount to unacceptable professional conduct, in that such conduct was of a serious nature and fell significantly short of the standard of behaviour expected of a teacher.

Mr Patel's conduct represented significant breaches of the Teachers' Standards. He had failed to act with honesty and integrity. Indeed, he had acted dishonestly. The acts of dishonesty involved the deliberate attempt to mislead the school by making up false accounts of the state of health of members of his family. He then deliberately omitted and/or added information in documents designed to mislead the recipients of those documents.

This was not a case of an isolated incident. The course of behaviour had extended over a period of a number of months and related to a series of acts of deception.

The panel noted in particular the account provided by the headteacher of the effect of Mr Patel's behaviour on pupils and staff (page 142). Despite the levels of support provided by the school, Mr Patel still set out on a course of conduct designed to mislead and deceive the staff. It had the effect of causing considerable stress and inconvenience to the staff who had to deal with his absence and they felt particularly let down when his deceit was uncovered.

In acting in this way, Mr Patel had failed to uphold the proper standards expected of a teacher, and had put at risk the reputation of the profession and the trust of the public in the profession.

Mr Patel had failed to maintain a high standard of ethics and behaviour.

Panel's recommendation to the Secretary of State

The panel gave very serious consideration to the mitigation put forward by, and on behalf of, Mr Patel. Up until his appointment to the post of mathematics teacher at Marlborough Science Academy, there were no previous findings held by the National College in respect of his conduct. Furthermore, the panel was prepared to accept that, when at Marlborough College, Mr Patel had progressed to become acting head of department.

The panel took account of the fact that Mr Patel had admitted all allegations to include dishonesty. He had accepted that such conduct was serious and amounted to unacceptable professional conduct.

The panel was satisfied that he now understands the nature of his wrongdoing and that he had shown a level of insight, although the panel was concerned that the attempts on the part of Mr Patel to mislead dated back to the time at which he applied for the post at the Academy which was in December 2013, his periods of absence in October and November 2014, through to falsifying his CV in December 2014.

The panel had been informed about the condition from which Mr Patel suffered [redacted] and had been referred to a short medical report from his GP dated 24 February 2015 (page 181). However, it was only on the morning of the hearing that Mr Patel had produced a further report from his GP dated 14 July 2014 which made reference to his condition.

Mr Patel had also provided a number of supportive references and testimonials. Indeed, there was a testimonial from a doctor writing in a personal capacity who states that he has known Mr Patel for over 20 years, but he makes no reference to Mr Patel suffering from anything other than stress and anxiety.

The panel noted the evidence to suggest that Mr Patel suffered a period of stress and anxiety.

The panel had to weigh against such factors the seriousness of the allegations found proved and the significant consequences of such conduct.

The panel bore in mind its obligation to act in a way that protected the public interest. The panel had a responsibility to ensure that public confidence in the profession was maintained, and that proper standards of conduct were upheld.

Mr Patel's actions represented a serious departure from the personal and professional conduct elements of the Teachers' Standards. He had acted in a deliberately dishonest way on a number of occasions designed to mislead others to include members of the teaching staff and also potential employers. The panel had no doubt that his behaviour put at risk the reputation of the profession.

Furthermore, his numerous attempts to mislead had only come to light as a consequence of enquiries being made by the school and, subsequently, the recruitment agencies. Also, his deliberate attempt to mislead the recruitment agencies had taken place immediately after he had been dismissed by the school for similar dishonest behaviour and after saying at interview in the course of the school's investigation that he realised the seriousness of his dishonest conduct.

At no stage did he volunteer information to either the school or the recruitment agencies of his dishonest conduct until he was faced with no alternative.

The panel concluded that, whilst it acknowledged that Mr Patel may have suffered from a period of stress and anxiety, many members of the teaching profession can and do suffer from such symptoms but do not go on to act in the persistently dishonest way in which Mr Patel had acted.

Mr Patel's conduct had had an impact on pupils and staff as set out in the document from the headteacher (page 142). It is evident that they felt betrayed and let down. It was also clear that the reason why Mr Patel had lied about the extent of illnesses suffered by members of his family and then lied in his CV submitted to the agencies was entirely self-seeking.

The only proportionate and appropriate outcome was for the panel to recommend to the Secretary of State that a prohibition order should be imposed. Whilst it was accepted that such a sanction was likely to have a punitive effect, this was certainly not the intention of

the panel in reaching its decision. Its decision was based purely on its regulatory responsibility to act in the public interest.

Taking account of the nature of the conduct on the part of Mr Patel, and the circumstances in which the conduct took place, the panel remained unconvinced that there was no risk of a repetition of this sort of behaviour particularly if Mr Patel once again found himself in a position of increased pressure and stress. It was clear to the panel that his conduct between December 2013 and December 2014 illustrated a willingness to mislead, and thereby act dishonestly, if he believed it would be to his advantage. In that way, Mr Patel manifested a personality which was incompatible with the behaviour expected of a teacher.

The panel further considered whether to recommend that Mr Patel should be able to apply for the prohibition order to be set aside after a specified period or whether there should be no such provision.

On balance, the panel recommends that, taking account of the nature and seriousness of the conduct giving rise to the allegations and for the reasons outlined above, Mr Patel should only be permitted to apply for the prohibition order to be set aside after a period of 3 years has elapsed.

The panel believed that this length of time was sufficient to mark to the general public and the profession that such behaviour was wholly inappropriate. It may also be sufficient for Mr Patel to demonstrate that, in those 3 years, whatever the pressures he faced, whether personal or professional, he had developed strategies which would ensure that he would not repeat the sort of conduct which had given rise to these proceedings.

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 both in respect of sanction and review period.

This is a serious case involving dishonesty over a period of time and involving a number of incidents.

In this case the teacher's conduct represented a significant breach of the Teachers' Standards. Mr Patel has failed to act with honesty and integrity. He has been found to have acted dishonestly. These acts of dishonesty involved the deliberate attempt to mislead the school by making up false accounts of the state of health of members of his family. Mr Patel then deliberately omitted and/or added information in documents designed to mislead the recipients of those documents.

This was not a case of an isolated incident. The course of behaviour had extended over a period of a number of months and related to a series of acts of deception.

I have noted that the panel took account of information provided by the headteacher of the effect of Mr Patel's behaviour on pupils and staff. Despite the levels of support provided by the school, Mr Patel still set out on a course of conduct designed to mislead and deceive the staff.

I have also noted the panel's consideration of the mitigation put forward by Mr Patel and on his behalf.

I have taken into account the need to balance the interests of Mr Patel with the wider public interest. I have also taken into account the need to act in a proportionate way.

I support the recommendation of the panel.

I have also considered the matter of a review period. The panel has set out clearly why it believes that a 3 year review period is appropriate. For those same reasons I support that.

This means that Mr Nitesh Patel is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 13 August 2018, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Nitesh Patel remains prohibited from teaching indefinitely.

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

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



Decision maker: Alan Meyrick

Date: 6 August 2015

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