



Teaching
Regulation
Agency

Mrs Joanne Hoppe: Professional conduct panel outcome

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

June 2022

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

Teacher: Mrs Joanne Hoppe

TRA reference: 18876

Date of determination: 24 June 2022

Former employer: Quarrydale Academy, Nottinghamshire (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 and 24 June 2022, remotely, to consider the case of Mrs Joanne Hoppe.

The panel members were Mr Stephen Chappell (lay panellist – in the chair), Mr Neil Hillman (teacher panellist) and Ms Valerie Purnell-Simpson (lay panellist).

The legal adviser to the panel was Mr Phil Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Michael O’Donohoe, of Browne Jacobson LLP.

Mrs Hoppe was present and was represented by Mr Ed Brown of NASUWT.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 31 January 2022.

It was alleged that Mrs Joanne Hoppe of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Quarrydale Academy she:

1. Failed to provide adequate lodging for one or more children in her care;
2. As a result of her conduct at Allegation 1 she received a police caution on 22 October 2019 for the offence of assault/ill treat/neglect/abandonment of a child/young person causing unnecessary suffering/injury contrary to Section 1(1) of the Children and Young Persons Act 1933 as amended by Part 5 Section 66 of the Serious Crime Act 2015.

The teacher admitted the facts of the allegations in their entirety. She did not admit that the facts of the allegations as admitted amount to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Further documents

At the start of the hearing, the teacher applied to admit three further documents. Those documents were not served in accordance with the requirements of paragraph 5.30 of the Procedures, and as such the panel is required to decide whether those documents should be admitted under paragraph 5.33 of the Procedures at the discretion of the panel. The panel took into account the representations from the teacher. The presenting officer raised no objections to the admission of any documents by the teacher.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was provided with a description of the documents by the teacher's representative. The panel was satisfied on that basis that the documents may reasonably be considered to be relevant to the case.

One document was a further statement from the teacher, and another was a written statement from Witness A. The panel considered that these document would be intrinsically relevant to the matters it would need to decide. The panel also noted that these individuals would be giving oral evidence during the hearing, and that the defence would therefore have the chance to cross-examine them on their evidence. The issue of hearsay therefore did not arise.

The other document was described as a social services report from Nottinghamshire County Council. Given the document was referenced in the hearing bundle, the panel considered this could reasonably be considered to be relevant to the case.

With regard to the overall question of fairness, the presenting officer had not raised any objections and therefore in the circumstances the panel concluded there would be no unfairness caused by admitting the evidence.

By reason of the above, the panel decided to admit each of the documents and these were added to the end of the hearing bundle, and paginated as set out in the 'Documents' section below.

Potentially sensitive information

The panel was conscious that the facts of the case under consideration related to two children, and that issues relating to [REDACTED] may also be discussed.

The panel noted that paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") states that a panel may exclude the public from a professional conduct panel hearing or part of a hearing if (i) it appears necessary in the interests of justice; (ii) the teacher makes a request for the hearing to take place in private and the panel does not consider it to be contrary to the public interest or the interests of justice for it to do so; or (iii) it is necessary for the protection of the interests of children or vulnerable witnesses, and those interests outweigh any other competing interests.

There was no application for the hearing, or any part of the hearing, to be held in private. The panel nevertheless considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and the relevant paragraph of the Procedures to exclude the public from all or part of the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel also considered that matters relating to [REDACTED] were so intertwined with the facts of this case that it would not be practicable to exclude the public from parts of the hearing only. The panel noted that the teacher had not herself applied to exclude the public from the hearing.

The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to [REDACTED] and protecting the identity of the children. In this regard, the panel considered that there would be no need to refer to any children by name during the hearing, and that this would sufficiently protect the interests of those individuals.

The panel therefore determined not to exercise its discretion that the public should be excluded from the hearing, but: (i) directed all parties involved, including each witness giving evidence, not to mention any children by name during the course of the hearing, but to refer them as Child A and Child B if necessary; and (ii) noted that should the teacher be uncomfortable with any particular issues being discussed in a public hearing she could seek further advice from her representative in this regard.

Summary of evidence

Documents

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

Section 1: Notice of Hearing, Response and Statement of Agreed Facts – pages 4 to 14

Section 2: Teaching Regulation Agency documents – pages 16 to 67

Section 3: Teaching Regulation Agency witness statements – pages 69 to 91

Section 4: Teacher documents – pages 94 to 100

In addition, the panel agreed to accept the following:

- An additional statement from the teacher, dated 6 June 2022 – pages 101 to 106
- A written statement from Witness B, undated – page 107
- A social services report from Nottinghamshire County Council, dated 15 October 2019 – pages 108 to 119

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

- Witness A [REDACTED]
- Witness B [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Hoppe has been employed at the School since 1 September 2018 as a Teacher of Health and Social Care Morals and Ethics. [REDACTED]

On 5 September 2019, a social worker contacted the School after receiving an anonymous referral regarding Mrs Hoppe's home conditions which had been posted on social media in August 2019. The School contacted the LADO for advice.

On 7 October 2019, Mrs Hoppe attended a meeting with the School's headteacher who informed her of the referral to social services.

On 15 October 2019, an initial Multi-Agency Strategy Meeting was held in respect of Mrs Hoppe.

On 18 October 2019 Mrs Hoppe attended a further meeting with the headteacher at which there were discussions about concerns the School had as to whether Mrs Hoppe could recognise safeguarding in her professional capacity. Mrs Hoppe was signposted to relevant support and resources

On 22 October 2019, Mrs Hoppe accepted a police caution in relation to an allegation of child neglect.

On 5 December 2019, a concluding Multi-Agency Strategy Meeting was held at which it was concluded that the initial allegation against Mrs Hoppe was substantiated. The headteacher informed Mrs Hoppe of this outcome. Following these meetings, the School did not find that any further action was necessary against Mrs Hoppe, and she continued to teach there.

Findings of fact

The findings of fact are as follows:

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

Whilst employed at Quarrydale Academy you:

1. Failed to provide adequate lodging for one or more children in your care;

The allegation was admitted and supported by evidence presented to the panel, notably the Statement of Agreed and Disputed Facts signed by Mrs Hoppe as well as other consistent evidence contained in the bundle and presented during the hearing. This included a written statement from Mrs Hoppe, written and oral evidence provided by Witness B, and notes from a Multi-Agency Strategy Meeting. Mrs Hoppe had accepted a police caution as evidenced by a copy of a Simple Adult Caution issued by Humberside Police and signed by Mrs Hoppe on 22 October 2019. The panel was aware that, whilst a caution is not conclusive evidence of the relevant facts in the same way as a conviction, the existence of a caution should carry significant weight in the panel's considerations.

The panel therefore gave the caution appropriate weight when assessing whether the allegation had been proved.

The panel considered a number of photographs of what was agreed to be the [REDACTED] home and which Mrs Hoppe stated had been taken shortly after they had vacated the property. The panel regarded the photographs as a snapshot of the situation which was one in which [REDACTED].

On the balance of probabilities the panel considered that Mrs Hoppe had failed to provide adequate accommodation for [REDACTED] at the relevant time, and the allegation was therefore found proved.

2. As a result of your conduct at Allegation 1 you received a police caution on 22 October 2019 for the offence of assault/ill treat/neglect/abandonment of a child/young person causing unnecessary suffering/injury contrary to Section 1(1) of the Children and Young Persons Act 1933 as amended by Part 5 Section 66 of the Serious Crime Act 2015.

The allegation was admitted and supported by evidence presented to the panel, notably the Statement of Agreed and Disputed Facts signed by Mrs Hoppe as well as a record of a Simple Adult Caution issued by Humberside Police and signed by Mrs Hoppe on 22 October 2019, and oral evidence given by Mrs Hoppe during the hearing. The hearing bundle contained a number of other consistent references to the caution received by Mrs Hoppe. The panel considered it to be clear that the caution related to the conduct at allegation 1.

The allegation was therefore found proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

Unacceptable professional conduct

The panel began by examining the Teachers’ Standards document, and considered that the following statement set out at Part 2 of the Standards was relevant:

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In its deliberations, the panel considered the 'Keeping Children Safe in Education' statutory guidance and 'Working Together to Safeguard Children' document, which is underpinned by legislation.

The panel also considered whether Mrs Hoppe's acceptance of a caution, as found proven at allegation 2, displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of child cruelty and/or neglect was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

However, the panel also noted that the allegations took place entirely outside the education setting, namely at Mrs Hoppe's home. The Advice states at paragraph 21 a) on page 9 that misconduct outside of the education setting will amount to unacceptable professional conduct "only if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way."

The panel considered the Advice to be clear and unequivocal on this point and therefore considered carefully and at length whether there was evidence to show that Mrs Hoppe's conduct had affected the way Mrs Hoppe fulfilled her teaching role or that it may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel noted that the School had issued Mrs Hoppe with a 2-year disciplinary warning. However, the panel also took into account a number of statements made by Witness A, including that he had no concerns about Mrs Hoppe's teaching role either before or after the incident in question, and that the School had no concerns relating to Mrs Hoppe's ability to maintain safeguarding in a professional capacity when the situation in [REDACTED] had been identified as being questionable. The panel had not been presented with any evidence which cast doubt on Mrs Hoppe's professional abilities as a teacher.

The panel noted Witness A's comment at page 100 of the hearing bundle that, "I fully believe that she totally understands that safeguarding children has the same importance within her professional and private life" and "the honesty and integrity that [Mrs Hoppe] has shown along with my knowledge of her working with the [School], I would have no reservation in continuing her employment as a classroom teacher."

The panel also noted evidence of a LADO investigation, the outcome of which was to take no further action. The panel was aware that DBS enquiries had also resulted in no further action and Mrs Hoppe had not been placed on the barred list.

The panel noted that this was a sad and concerning case. However, although the panel regarded the behaviour it had found proven to be serious, in its judgment it did not meet the test set out in the Advice and accordingly, the panel was not satisfied that Mrs Hoppe was guilty of unacceptable professional conduct.

Conduct that may bring the profession into disrepute

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether Mrs Hoppe's acceptance of a caution displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of child cruelty and/or neglect was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel again noted that the allegations took place entirely outside the education setting, and considered paragraph 26 b) on page 10 of the Advice which states, "Misconduct outside of the education setting will be considered relevant only if the conduct displayed is of a serious nature and would likely have a negative impact on the public's perception of the individual as a teacher, therefore bringing the teaching profession into disrepute."

The panel considered the findings of misconduct in this case to be serious, having regard to the [REDACTED] (who were [REDACTED] at the time) and the photographic evidence of the condition of the property. Mrs Hoppe had accepted a police caution in October 2019 in relation to the relevant facts before the panel. The panel had found that this caution related to [REDACTED].

The panel took into account oral evidence given by Witness A that he wanted to ensure that any publicity for the School was good publicity, and that he had been "worried about how things would look on the [School]." The panel referred to page 87 of the hearing bundle (notes of a Multi-Agency Strategy Meeting which took place on 5 December 2019) at which it was noted that Witness A, "described that he felt devastated when he received the information in respect of the current concerns, especially due to the post she holds, and this will not reflect well on the Academy if it becomes general knowledge."

Although the exact circumstances behind the publication of the photographs were not clear, the panel understood that they had been shared on social media and so could have been seen by members of the public who were aware that Mrs Hoppe was a teacher. The panel noted Mrs Hoppe's comment made when giving oral evidence that, "I can see how anyone would be horrified if they learnt of this."

The panel noted that this case appeared to have arisen from the confluence of a number of difficult circumstances for Mrs Hoppe, including in relation to her [REDACTED], the fact that her [REDACTED] had not provided her with the help she had anticipated when she had asked for his support, and her need to commute a long distance by car in order

to teach at the School. Nevertheless, in the panel's view, Mrs Hoppe had made the wrong choices and had the wrong priorities at the relevant time. As found proven at allegations 1 and 2, Mrs Hoppe had, at times, failed to maintain an adequate home for [REDACTED].

In the panel's view, Mrs Hoppe's conduct as found proven could potentially damage the public's perception of her as a teacher. The panel therefore found that Mrs Hoppe's actions constituted conduct that may bring the profession into disrepute.

Summary

Having found the facts of particulars 1 and 2 proved, the panel further found that Mrs Hoppe's conduct did not amount to unacceptable professional conduct but did amount to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mrs Hoppe and whether a prohibition order is necessary and proportionate. 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 at page 14 of the Advice and, having done so, found the following to be relevant: the maintenance of public confidence in the profession; and striking the right balance between the rights of the teacher and the public interest.

In the light of the panel's findings against Mrs Hoppe, which involved a failure to provide adequate lodging for [REDACTED], constituting conduct that may bring the profession into disrepute, the panel considered there was a strong public interest consideration in maintaining confidence in the profession. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Hoppe were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and, in the panel's view, she is able to make a continuing valuable contribution to the profession.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. The panel felt that the following factor was relevant in this case:

- 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.

Notwithstanding the above, the panel was cognisant of the fact that the offence for which the caution was received covers a wide range of conduct, and that the conduct in this case was at the lower end of the scale.

Even though some of the behaviour found proved in this case indicated that a prohibition order may be appropriate, taking account of the public interest and the seriousness of the behaviour, the panel went on to consider whether there were mitigating circumstances.

The panel noted first of all that the teacher had failed in her duty of care towards [REDACTED], but noted that this appeared on the evidence to be a one-off failing, and one which had arisen amid particularly difficult personal circumstances for Mrs Hoppe.

In the panel's view, Mrs Hoppe's actions were not planned and could not be described as deliberate. As the panel had noted, she had made wrong choices under a set of circumstances that were extreme.

The panel saw no evidence that showed Mrs Hoppe was previously subject to disciplinary proceedings or warnings, other than in relation to the facts found proven at allegations 1 and 2.

The panel noted the comments made by Witness A in relation to Mrs Hoppe's character and performance, and that he had wanted to keep her employed at the School. The panel also considered comments made by Mrs Hoppe's previous employer at the time of her application to the School in May 2018 (at pages 34 to 36 of the hearing bundle) which described her as having "profound, intelligent concern for students", an "outstanding role model for students", and "an exceptionally caring person" with "a fantastic relationship with students, staff and parents".

The panel accepted that the incident under consideration was out of character.

The panel's view was that Mrs Hoppe had shown insight into her behaviour and had explicitly accepted that it was serious. She had cooperated with the School and a number of agencies, including the TRA, which had become involved.

Based on the evidence it had heard and seen, including from the School's internal investigation and findings of Nottinghamshire social services after it completed its enquiries (which included positive comments about Mrs Hoppe's [REDACTED]), the panel was satisfied that there was not a material further risk of such behaviour occurring again.

The panel went on to consider 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 considered that recommending a prohibition order would be likely to have an excessively punitive effect. Mrs Hoppe had already been subject to the sanction of a 2-year disciplinary warning period within the School, and had waited a considerable period for the case to be brought before the panel. During this period, there had been no intervention from the police or social services and Mrs Hoppe had taken clear steps to address her circumstances, including by moving closer to the School. In addition, the circumstances of this case are now in the public domain, due to the public nature of this hearing.

The panel was therefore of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order, coupled with the publication of the panel's findings, would be both a proportionate and an appropriate response. Given that the nature of the behaviour 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.

In summary, the panel recommended that no prohibition order should be imposed on Mrs Hoppe.

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 and found that those proven facts amount to conduct that may bring the profession into disrepute.

The panel has recommended that the findings of 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 the following statement set out at Part 2 of the Teachers' Standards was relevant:

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

“In its deliberations, the panel considered the ‘Keeping Children Safe in Education’ statutory guidance and ‘Working Together to Safeguard Children’ document, which is underpinned by legislation.”

The findings of conduct that may bring the profession into disrepute, which involved a failure to provide adequate lodging for [REDACTED], is serious.

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 conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Hoppe, 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, “Based on the evidence it had heard and seen, including from the School’s internal investigation and findings of Nottinghamshire social services after it completed its enquiries (which included positive comments about Mrs Hoppe’s [REDACTED]), the panel was satisfied that there was not a material further risk of such behaviour occurring again.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel’s view was that Mrs Hoppe had shown insight into her behaviour and had explicitly accepted that it was serious. She had cooperated with the School and a number of agencies, including the TRA, which had become involved.” I have 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 that, “public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Hoppe were not treated with the utmost seriousness when regulating the conduct of the profession.”

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

I have considered whether the publication of conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Hoppe herself.

A prohibition order would prevent Mrs Hoppe from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force. “The panel noted the comments made by Witness A in relation to Mrs Hoppe’s character and performance, and that he had wanted to keep her employed at the School. The panel also considered comments made by Mrs Hoppe’s previous employer at the time of her application to the School in May 2018 (at pages 34 to 36 of the hearing bundle) which described her as having “profound, intelligent concern for students”, an “outstanding role model for students”, and “an exceptionally caring person” with “a fantastic relationship with students, staff and parents”.

I have also placed considerable weight on the comments of the panel in relation to mitigating circumstances, “The panel noted first of all that the teacher had failed in her duty of care towards [REDACTED], but noted that this appeared on the evidence to be a one-off failing, and one which had arisen amid particularly difficult personal circumstances for Mrs Hoppe.”

“In the panel’s view, Mrs Hoppe’s actions were not planned and could not be described as deliberate. As the panel had noted, she had made wrong choices under a set of circumstances that were extreme.”

“The panel accepted that the incident under consideration was out of character.”

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.



Decision maker: John Knowles

Date: 28 June 2022

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