



Teaching
Regulation
Agency

Mr Derek Hoyle: Professional conduct panel hearing outcome

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

June 2024

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

Teacher:	Derek Hoyle
Teacher ref number:	0726458
Teacher date of birth:	11 November 1960
TRA reference:	21427
Date of determination:	12 June 2024
Former employer:	Gildersome Primary School, Leeds

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 June 2024 via Microsoft Teams, to consider the case of Mr Derek Hoyle.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mrs Emma Garrett (lay panellist) and Mr Gerry Wadwa (teacher panellist).

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

The presenting officer for the TRA was Mr Tom Phillips of QEB Hollis Whiteman Chambers, instructed by Kingsley Napley solicitors.

Mr Derek Hoyle was present for days 1 and 2 of the hearing and was not represented. The panel considered an application to proceed in Mr Hoyle’s absence on day 3.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 27 March 2024.

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

1. Between on or around September 2020 to October 2021, on one or more occasions in relation to Pupil A, Derek Hoyle:
 - a. Touched her in an inappropriate and/or sexual manner; and/or
 - b. Used over familiar and/or inappropriate language.
2. Between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, Derek Hoyle:
 - a. Touched her on the leg and/or near the knee;
 - b. Touched her chin and/or cheeks;
 - c. Tapped her hand and/or wrists;
 - d. Moved her head to face him;
 - e. Patted her head;
 - f. Ruffled her hair;
 - g. Said to her “my sweet”, or words to that effect.
3. Derek Hoyle’s actions at paragraph 1a) – 1b) and/or 2a) – 2g) were sexually motivated.

The teacher admitted that in respect of allegation 2(c) he had tapped Pupil B on the hand, but not on the wrists. The teacher denied the other allegations.

The Teacher denied the allegation of unacceptable professional conduct or the allegation of conduct that may bring the profession into disrepute.

Preliminary applications

Preliminary application – admission of late papers

The panel considered an application from the presenting officer that the panel should admit a bundle of papers filed late (on 5 June 2024) into the evidence to be considered by the panel. The panel agreed to admit the bundle of late papers on the basis that: (i) the papers were not voluminous and a short adjournment would allow the teacher (who could not locate the late papers) to read through them; (ii) the documents were relevant to the proceedings; (iii) the papers had been omitted from the bundle in error, the main bundle having been served in accordance with paragraph 5.36 of the teacher misconduct: disciplinary procedures for the teaching profession, updated May 2020 (“the procedures”); (iv) the teacher accepted that they were happy to accept a decision to admit the bundle of late papers; (v) the substance of the evidence contained in the late papers was not materially different from the evidence already in the bundle; (vi) the late papers were already referenced in the statement of Witness B, so to not admit them would potentially prejudice her evidence; and (vii) the teacher and the panel would have the opportunity to test the evidence that was contained in the late papers bundle. With regard to the overall question of fairness, the panel considered that it would be fair in all the circumstances to admit the late papers into evidence for the reasons above.

Preliminary application – admission of hearsay evidence already contained in the bundle

The panel considered an application from the presenting officer that the hearsay evidence contained throughout the main bundle and in the late papers bundle be admitted as evidence. The panel had regard to: (i) the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if any of the allegations are found proved; (ii) the panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher, noting that the evidence is of several key witnesses to central allegations in this case. It was in the public interest that the allegations be fully examined with this evidence available to the panel. The panel found that in the circumstances, there was a good reason for not having called the witnesses Pupils A, B, C and D (the “witnesses”). The panel considered that their very vulnerable position as primary age pupils means that on balance, it was not proportionate or appropriate for the pupils’ wellbeing for them to be called as witnesses. The panel noted that some procedural protections for the witnesses would have been available, per paragraph 5.106 of the procedures, a representative of Mr Hoyle would have cross-examined the witnesses, not Mr Hoyle, to whom the complaints relate.

With regard to the overall question of fairness, the panel noted that:

1) Very careful consideration to the weight apportioned to the hearsay evidence would be given, noting Mr Hoyle initially objected to admitting the evidence, before agreeing that admitting the evidence would be fair on balance.

2) Some contemporaneous evidence was available - the panel would have some opportunity to test the reliability of the hearsay evidence in evaluating the consistency of the evidence reported to the panel through Witness A and Witness B. The panel will also be able to assess the reliability of the evidence, by asking questions of Witness A and Witness B as to the circumstances in which the accounts were provided.

3) Whilst some of what is included in the late papers bundle discussed in the first application heard that morning is hearsay and was only served on Mr Hoyle very recently, the substance of that evidence had already been served on Mr Hoyle in accordance with the Procedures.

4) Mr Hoyle had had a chance to: seek legal advice on the issue; and respond to Mr Phillip's submissions on the admissibility of the evidence.

On balance, the panel decided that there were sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine the witnesses whose evidence the panel would not be able to test in questioning. The panel would be provided with a hearsay warning in due course by the legal advisor, and the panel would then determine what weight, if any, it should attach to the evidence.

Further applications

Application to proceed in the absence of Mr Hoyle on day 3, prior to the panel announcing its decision

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel has determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from R v Jones [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. The panel considered that the circumstances in which this application was made were not completely analogous to the fact of R v Jones, given that Mr Hoyle had attended days 1 and 2 of the hearing, but considered that the principles from that authority remained relevant.

In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

In making its decision, the panel has noted that the teacher may waive his/her right to participate in the hearing, whether from the commencement of the hearing or at a later stage. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones*, albeit noting that their considerations would be adapted because in fact Mr Hoyle had been present for the entirety of the evidence and submissions of the parties.

1. The panel considered that Mr Hoyle voluntarily and deliberately absented himself from the hearing (only on 12 June 2024) after comments in his closing statement, including that he thought the panel had already made up its mind. The panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place and that he had attended days 1 and 2 of the hearing.
2. The panel had given Mr Hoyle multiple opportunities to respond to email and telephone communications prompting him to attend or to indicate his intention otherwise. Mr Hoyle had not responded to these communications within a reasonable timeframe. The panel had also delayed announcing their decision accordingly.
3. The panel considered that the risk of reaching an improper conclusion about the reason for Mr Hoyle's absence was limited given Mr Hoyle's clear comments about his disengagement with the hearing.
4. The panel considered that in light of Mr Hoyle's comments, he was entirely disengaged with the hearing process and would be highly unlikely to attend given an adjournment. The panel therefore did not consider what length of adjournment would be appropriate.
5. Mr Hoyle was not represented but had not expressed at any stage a desire to instruct a legal representative.
6. The panel considered that Mr Hoyle, on balance, would not suffer material disadvantage for the panel to proceed in their absence, as: (i) the parties had concluded giving their evidence and making their submissions by day 3 of the hearing; (ii) the only further opportunity for Mr Hoyle to give evidence and make representations to the panel would be on the issue of sanction, on which the panel

had already heard some evidence, and on which Mr Hoyle had not submitted written evidence.

7. The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teacher.
8. The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at the School. The School would have an interest in this hearing concluding in order to move forwards. The panel considered that it would be potentially unfair to the TRA, the witnesses and the pupils to delay their decision further. The panel also noted that Mr Hoyle is potentially continuing to teach music lessons privately and was concerned that delaying their findings being made public could have an adverse impact on parents and pupils who were instructing Mr Hoyle or might instruct Mr Hoyle in the future.

In summary, the panel considered:

- the teacher's waiver of his right to appear;
- the measures referred to above, taken to address any potential unfairness insofar as is possible; and
- the late stage the proceedings had reached and any minimal disadvantage that Mr Hoyle would experience by the proceedings continuing.

On balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing that day.

The panel decided to proceed with the hearing in the absence of the teacher.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6

Section 2: Notice of Hearing and response – pages 7 to 14

Section 3: Teaching Regulation Agency Witness Statements – pages 15 to 25

Section 4: Teaching Regulation Agency Documents – pages 26 to 177

In addition, the panel agreed to accept the following:

Late papers bundle index containing three documents, being exhibits 28 to 30 to the witness statement of Witness B – pages 1 to 13.

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] (called by the presenting officer), Witness B, [REDACTED] (called by the presenting officer) and Mr Derek Hoyle (the teacher).

The panel did not hear oral evidence from Witness C, Pupil A's [REDACTED], Witness D, [REDACTED], Witness E, Pupil B's [REDACTED], or Witness F, [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.

Summary of the case

Mr Hoyle applied for the role as a peripatetic music teacher at the school on 2 December 2016. Mr Hoyle commenced employment in that role on 3 January 2017.

On 21 October 2021, Mr Hoyle was suspended from teaching at the school following the allegations made by Pupil A being reported to the school.

On 17 January 2022 a disciplinary hearing was held. On 23 February 2022 Mr Hoyle completed further Safer Working Practice and Child Protection training. On 7 March 2022 Mr Hoyle returned to teaching at the school. On 21 October 2022, Mr Hoyle was

suspended from teaching at the school following the allegations made by Pupil B being reported to the school. A disciplinary hearing took place on 12 December 2022. Mr Hoyle was referred to the TRA on 17 January 2023.

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:

- 1. That between, on or around September 2020 to October 2021, on one or more occasions in relation to Pupil A, you touched her in an inappropriate and / or sexual manner;**

The panel found the allegation against you proved for the following reasons:

The panel had regard to Witness A's evidence in her witness statement that: (i) Pupil A had reported to her on 21 October 2021 that Mr Hoyle had touched her leg two or three times in one-to-one music lessons; (ii) this had begun after another pupil who had previously shared music lessons with Pupil A had stopped having lessons.

The panel noted that Witness A first became aware of Pupil A's complaints after Witness D had overheard Pupil A discussing her complaints about Mr Hoyle with Pupil D.

The panel considered Witness C's entry on CPOMS, a reporting system used by the school, which appeared to be a contemporaneous note of what Pupils A and D had reported to him. The panel noted the description of Pupil A reporting that Mr Hoyle had "placed his hand on her thigh" and "squeezed her leg".

The panel considered the LADO referral form completed by the school, which stated that Mr Hoyle had "sat next to [Pupil A] and squeezed her knee".

The panel considered Witness A's contemporaneous note of her discussion with Mr Hoyle on 21 October 2021, noting the following passage: "I asked if there had been any physical contact on her leg whilst sitting next to her. He told me that had not happened. When she has her lesson, she is standing up and he would not be sitting down next to her".

The panel heard oral evidence from Witness A of her discussion with Pupil A on 21 October 2021. Witness A told the panel that she found Pupil A's account of Mr Hoyle touching her leg to be credible because: (i) Pupil A was emotionally mature and had been "quite composed" when she spoke to her on 21 October 2021; (ii) Witness A told the panel that she had known Pupil A for a long time and had never had a reason to believe that Pupil A had fabricated stories or allegations before; (iii) Pupil A demonstrated where Mr Hoyle had touched her on the leg, just above the knee; (iv) Pupil A had volunteered

that she wasn't reporting this to the adults at the school because she wanted to stop having music lessons and that she didn't want to get Mr Hoyle into trouble.

The panel heard oral evidence from Mr Hoyle, who denied touching Pupil A's leg, stating that he had "never touched her". The panel later heard oral evidence from Mr Hoyle that he did incidentally touch pupils in the course of teaching, whether accidentally when (for example) putting up music stands or with the purpose of helping the pupil hold their instrument or make adjustments to it. Mr Hoyle also accepted in oral evidence that he had: (i) touched pupils in order to praise them by patting them on the head or back, whether in lessons or when walking through the school with pupils; (ii) sometimes had to go round to the pupil's side of the desk to explain the music to them; (iii) incidentally touched students when he was assisting them with their instruments, for example helping them adjust their instrument; (iv) when Pupil A arrived at a lesson upset on one occasion, Mr Hoyle had put his arm round her to comfort her. Mr Hoyle also agreed in his oral evidence that he was a 'tactile person'. Considering these points together, the panel did not find it credible that Mr Hoyle could totally rule out having touched Pupil A, or that Mr Hoyle would not have touched Pupil A on the leg.

Mr Hoyle told the panel that he thought Pupil A was a good pupil and had been attentive in music lessons. The panel noted Mr Hoyle's later attempts when giving oral evidence to discredit Pupil A. Mr Hoyle suggested that Pupils A, B, C and D had "got together" to present the allegations and that they had a vendetta against him, but without giving any substantive explanation for that assertion other than asserting that the pupils had not wanted to practise their instruments.

The panel was aware that large parts of the evidence given against Mr Hoyle in this allegation were hearsay. The panel was conscious that they had not heard from Pupil A or had the opportunity to ask Pupil A questions. Similarly, the panel was aware that they had heard oral evidence from Witness A, but not Witness C or Witness D.

The panel considered that Pupil A's [REDACTED], was a good reason for the presenting officer not to have called them as a witness and that as the sole and decisive evidence on this allegation, the hearsay evidence given about Pupil A's account should be admitted, albeit weighted accordingly. In considering the weight to give hearsay evidence of Pupil A's account, the panel noted that:

- All of the accounts of Pupil A sharing their concerns (via three adults at the school, Witness D, Witness C and Witness A on separate occasions) that had been presented to the panel were broadly consistent in that Mr Hoyle had touched Pupil A's leg on multiple occasions during one-to-one music lessons.
- Witness A's assessment that Pupil A's account was credible, and that Witness A's written and oral evidence on this point was consistent and persuasive.
- Mr Hoyle's evidence on his assessment of Pupils A's character was not credible because he: (i) was unable to substantiate the suggestion that Pupil A was part of

a conspiracy against him; (ii) his suggestion that Pupil A had a vendetta against him contradicted his previous evidence of Pupil A's character.

- Mr Hoyle was vague and contradictory when answering the panel's questions. Mr Hoyle gave conflicting answers to the similar questions and appeared to be able to recall events when answering some questions, but at other times he said he could not remember events or details from the same time period.
- The allegations had come to light after Pupil A was overheard discussing them with Pupil D, not because Pupil A had come forward to an adult at the school in the first instance. The panel considered that this created the impression that Pupil A had not manufactured the allegations and was being candid when discussing her concerns about Mr Hoyle with Pupil D.

The panel was aware that it was not possible to verify the credibility or character of Pupil A without having heard from them directly, but had questioned Witness A and Mr Hoyle, who both had first-hand knowledge and experience of Pupil A's character. In the circumstances the panel felt it was appropriate to give more weight to Pupil A's evidence (as reported to the panel through the documents referred to above and in Witness A's oral evidence) than the evidence of Mr Hoyle.

The panel considered whether the touching had been sexual in manner. The panel considered in particular the touch above Pupil A's knee and whether this was objectively sexual. The panel concluded that it was not. The panel also considered it had neither seen nor heard any evidence that the touching of Pupil A was sexual in manner. Therefore, on the balance of probabilities the panel concluded that Mr Hoyle had not touched Pupil A in a sexual manner.

Having carefully considered the evidence and evaluated the weight it should be attributed, the panel considered that this allegation was proved in that Mr Hoyle had touched Pupil A in an inappropriate manner.

1b. That between, on or around September 2020 to October 2021, on one or more occasions in relation to Pupil A, you used over familiar and / or inappropriate language

The panel found the allegation against you proved for the following reasons:

The panel had regard to Witness A's evidence in her witness statement that Witness D overheard Pupil A saying to Pupil D that Mr Hoyle often referred to her as "my sweetheart", "my sweetie pie" and "cutie pie".

The documents produced to the panel in the main bundle (referred to above) created a consistent account of Pupil A's evidence that Mr Hoyle had used language such as "my sweetheart" and this made Pupil A feel very uncomfortable. The panel noted Witness A's oral evidence that emphasised that Pupil A was particularly uncomfortable about Mr Hoyle's use of 'my', implying that Pupil A belonged to Mr Hoyle.

The panel considered the same points as set out above with respect to what weight should be given to hearsay evidence of Pupil A.

The panel also noted that Witness C's CPOMS record stated that Pupil D had also said she had been called "sweetheart" and "darling" by Mr Hoyle in her music lessons. The panel noted that Witness A had not spoken to Pupil D and therefore that nobody who had given oral evidence to the panel had spoken to Pupil D about this, but also noted that Witness C's CPOMS entry was as close to a contemporaneous interview note with Pupil D as was reasonably possible in the circumstances. Therefore, the panel considered that it could give weight to Pupil D's evidence on this point.

The panel heard from Mr Hoyle that he had never used the words alleged and would instead call Pupil A a "superstar". The panel considered the same points as set out above with respect to what weight should be given to Mr Hoyle's evidence.

The panel concluded that the evidence of Pupils A and D, as reported by Witness A, Witness C and Witness D should be given more weight than the evidence of Mr Hoyle because Witnesses A, C and D together had provided a consistent account.

The panel considered that the language was by its nature overfamiliar and inappropriate. The panel noted that the use of "my" in particular had impacted Pupil A's [REDACTED],

Having carefully considered all of the evidence, the panel concluded that it was more likely than not that Mr Hoyle had used overfamiliar and / or inappropriate language with Pupil A. The panel therefore considered that this allegation was proved.

Allegation 2(a) that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, you touched her on the leg and / or near the knee

The panel found the allegation against you proved for the following reasons:

The panel considered the written evidence of Witness A that:

- On 11 October 2022, Pupil B had reported to Witness A that Mr Hoyle had placed his hand on her knee during a music lesson when she was in year 4 (the previous year).
- Witness A spoke to Pupil B's mother about this and Pupil B's mother confirmed that Pupil B had told her about Mr Hoyle touching her leg at the time that it occurred. Pupil B's mother had not reported this to the school.

The panel noted that the evidence of Witness A in her statement was consistent with the account given in the LADO referral forms exhibited. Witness A's oral evidence on this point reinforced the panel's view that Witness A's recollection of what she had been told about the incident was consistent and credible.

The panel considered the written evidence of Witness B that:

- On 31 October 2022, Witness B had spoken to Witness A, who had stated that Pupil B's mother had also heard from Pupil B that Mr Hoyle had touched her knee, but Pupil B's mother thought this was in a reassuring way, so had not raised it with the school. Witness A also reported having a discussion with Pupil B the following day - Pupil B again reported that Mr Hoyle had touched her knee, but was vague about timescales.
- On 4 November 2022, Witness B had spoken to Witness E, who had reported that Pupil B complained that during her music lessons Mr Hoyle touched her leg and her face and that while she is playing her instrument Mr Hoyle put his hand on her leg, making her uncomfortable.
- On 4 November 2022, Witness B had spoken to Witness F. Witness F relayed that Pupil B had raised concerns about Mr Hoyle on 10 October 2022, that he had been touching her on her legs and face, that it made her uncomfortable and it had been happening since Pupil B was in year 4.

Witness B's oral evidence to the panel confirmed that she had not identified any inconsistencies in the accounts of Witness A, Witness E and Witness F, so felt confident she had an accurate picture of what Pupil B had said.

The panel also considered the transcript of Witness B's interview with Mr Hoyle. Mr Hoyle initially entirely denied the allegations, but eventually conceded that he had 'probably' tapped Pupil B on the hand. The panel noted that during the interview Mr Hoyle maintained that he had "definitely not" touched Pupil B on the leg, explaining that he would have had to "crawl under the desk" between him and the pupils he taught to do so. As set out above, the panel later heard evidence from Mr Hoyle that he did touch pupils during their music lessons, incidentally in the course of teaching, to praise them and on one occasion to comfort Pupil A. The panel considered that this undermined Mr Hoyle's denial that he had never touched Pupil B at all.

The panel also heard from Witness A that she was concerned about Mr Hoyle's understanding of the relevant duties of a teacher to safeguard pupils (including relevant consideration of what appropriate touch was, or what appropriate professional boundaries were) when they met on 28 February 2022, prior to Mr Hoyle returning to work at the school on 7 March 2022. The panel's questions to Mr Hoyle on this topic reinforced the view that Mr Hoyle either did not understand these issues or did not treat them seriously.

The panel noted the safeguarding arrangements put in place by the school, as set out in the 'meeting between Witness A and Derek Hoyle 28.2.22' and the 'lone and isolated working peripatetic teachers assessment dated 04.02.2022' in the main bundle. The panel heard from Witness A these plans were put in place in February 2022 for Mr Hoyle's return to work, to protect not only the pupils but also Mr Hoyle, by trying to

eliminate time spent one-to-one with pupils. For instance, a requirement was introduced for pupils who had finished a lesson to fetch the next group of pupils for their lesson. Witness A told the panel that Mr Hoyle agreed to these measures as a condition of his return to work at the school. Mr Hoyle admitted in oral evidence that he found the new measures, in particular pupils fetching each other for their lessons, unworkable and had often ignored this requirement. Mr Hoyle also admitted that on 10 October 2022, he went to Pupil B's classroom, in breach of the safeguarding arrangements agreed with the school. The panel did not consider that Mr Hoyle appreciated what safeguarding was. The panel considered that in the round, Mr Hoyle's limited understanding of (and deliberate disregard of) safeguarding measures, he may have touched Pupil B's leg without recognising the importance of upholding proper safeguarding measures. As a result, the panel decided to place less weight on Mr Hoyle's evidence. For the same reasons, the panel attributed less weight to Mr Hoyle's evidence that he had "definitely not" touched Pupil B during a music lesson.

The panel noted Mr Hoyle's comments in his interview with Witness B that he thought Pupil B was a "good player" and "a nice girl". In Mr Hoyle's oral evidence he initially described to the panel that Pupil B was a "very pleasant" girl that was "really attentive" and "happy to be coming to the lessons" before later asserting that Pupil B had invented the allegations against him in order to get out of having music lessons. The panel considered that this contradiction limited the weight that could be given to Mr Hoyle's evidence about Pupil B.

The panel considered that although a large part of the evidence relating to this allegation was hearsay, the contemporaneous recollections relayed to Witness A by Witness E and Witness F were reporting evidence from Pupil B immediately after Mr Hoyle's alleged actions on 10 October 2022. The panel considered that this, together with Witness B's investigation notes, would allow the panel to attribute considerable weight to Pupil B's evidence. The panel considered that Mr Hoyle's inconsistent evidence on whether he touched pupils during music lessons reduced the weight that could be given to his evidence on this allegation. The panel considered that in the circumstances, the account of Pupil B, as reported to the panel, could be given more weight than Mr Hoyle's account of events.

On balance, the panel found that it was more likely than not that Mr Hoyle had touched Pupil B on the leg during one or more music lessons, and on that basis, found this allegation proved.

Allegation 2(b): that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, you touched her chin and/or cheeks

The panel found the allegation against you proved for the following reasons:

The panel considered the written evidence of Witness A that:

- On 10 October 2022, Witness E had reported that there had been an incident between Mr Hoyle and Pupil B involving physical contact, but that they had not witnessed the incident.
- On 10 October 2022, she spoke to Pupil B (recorded in the LADO Allegations form dated 11 October 2022). Pupil B told her that Mr Hoyle had touched her chin and tilted her head up to face him. Witness A asserts that Pupil B's direct account to her was corroborated by her conversation with Witness E earlier that day. At the same time, Pupil B also told Witness A that Mr Hoyle had touched her cheek during one-to-one music lessons.

The panel noted that Witness A conceded that she did not interview Pupil B in great detail. However, the panel accepted that the contents of the LADO referral form were completed contemporaneously and on that basis more weight could be attributed to it, despite it containing hearsay.

- Witness A had discussed this with Pupil C on 13 October 2022 and Pupil C had supported Pupil B's account.

The panel heard oral evidence from Witness A that:

- She had been convinced by Pupil B's account of events because Pupil B was very specific, she showed Witness A how Mr Hoyle had touched her chin.
- Pupil C had sat very close to the doorway of the classroom where it was alleged that Mr Hoyle touched Pupil B's chin on 10 October 2022, so that Pupil C could see the entirety of the interaction and overhear what was said. The panel considered that it was credible for Pupil C to have corroborated Pupil B's account, as set out above.

The panel considered the written evidence of Witness B, in particular:

- Mr Hoyle's interview transcript where he:
 - initially denied that he had taught Pupil B on that day;
 - later conceded that he had taught Pupil B that day and that he remembered tapping Pupil B on the hand;
 - explained that tapping Pupil B on the hand was "just a play thing, it's a joke, I'm not smacking her";
 - denied touching Pupil B's chin and tilting her head to face him on the basis that "she's got thirty-one people watching her, I wouldn't do that".
- Witness B's notes of interviews with Witness E and Witness F dated 4 November 2022. The panel noted that Witness B's investigations broadly corroborated the evidence given by Witness A about her conversations with Witness E and Witness F. The panel noted that Witness E and Witness F both spoke to Pupil B immediately after the alleged actions of Mr Hoyle on 10 October 2022. The panel

noted that Witness E described the events as occurring on 9 October 2022, but was satisfied from the other evidence put to it that this was likely to be a mistake.

- Whilst the panel had not heard from either Witness E or Witness F, the panel considered that, having heard a consistent narrative about their evidence from Witness A and Witness B, this allowed the panel to place some weight on the evidence of Witness E and Witness F.

The panel heard from Mr Hoyle that he was “fairly angry” and had “lost it” with Pupil B when she told him that she had forgotten her instrument. The panel considered that this evidence contradicted his earlier account to Witness B that he had tapped Pupil B’s hand in a joking manner. The panel also noted Mr Hoyle at one point appeared to give evidence that he “slapped” Pupil B’s hand, but that Mr Hoyle appeared to retract the comment and revert to saying that he had only “tapped” her hand.

The panel considered that the evidence about Mr Hoyle’s admission that he was angry and frustrated on 10 October 2022 made it more likely that Mr Hoyle had touched Pupil B on the chin and / or cheeks.

The panel noted that Pupil C was Pupil A’s [REDACTED], and therefore Pupil C’s evidence was potentially influenced by that connection. The panel considered that whilst it could not test Pupil C’s evidence itself:

- the evidence produced to the panel by Witness A and Witness B give a consistent view of Pupil C’s account;
- the panel heard from Witness A about Pupil C and that she was credible; and
- the panel heard from Witness A that she had considered the point when speaking to Pupil C but didn’t think Pupil C was inventing the allegations,

allowing the panel to give some weight to Pupil C’s evidence, as reported to it.

The panel considered that the same conclusions it had reached about the weight to be given to Mr Hoyle’s evidence and Pupil B’s evidence when considering allegation 2(a) applied to this allegation as well.

On balance, the panel considered it to be more likely than not that Mr Hoyle had touched Pupil B on the chin on 10 October 2022 in order to turn her head to face him. The panel therefore found allegation 2(b) proved.

Allegation 2(c): that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, you tapped her hand and/or wrists

The panel found the allegation against you proved for the following reasons:

The allegation was admitted by Mr Hoyle at the outset of the hearing. This was supported by evidence presented to the panel, including further admissions by Mr Hoyle in oral

evidence that he had tapped Pupil B on the hand on 10 October 2022 in response to Pupil B telling him that she had not brought her instrument to school (set out in more detail above). The panel therefore found allegation 2(c) proved.

Allegation 2(d): that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B you moved her head to face you

The panel found the allegation against you proved for the following reasons:

With respect to the alleged actions of Mr Hoyle on 10 October 2022, the panel considered that it was not possible to materially separate (in time) the action of touching Pupil B's chin (as alleged in allegation 2(b) and the action of moving Pupil B's head to face him. The panel therefore considered the same evidence as it considered for allegation 2(b) set out above. The panel considered that the same reasoning followed from the evidence it had evaluated with respect to allegation 2(b) and that it was more likely than not that Mr Hoyle had moved Pupil B's head to face her. Therefore, the panel found allegation 2(d) proved.

Allegation 2(e): that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, you patted her head

The panel considered the written evidence of Pupil B, as reported by Witness A and Witness B. The panel noted that:

- Pupil B had told Witness A that Mr Hoyle had patted her on the head a couple of times;
- Pupil B told Witness E that Mr Hoyle had touched and patted her on the head when they were walking to and from class.

The panel considered the transcript of Mr Hoyle's interview with Witness B, that he had accepted that generally, he patted "some children" on the head "if they've done really well". The panel also heard from Mr Hoyle that he had, throughout his career, patted pupils on the head to communicate praise, particularly when walking to and from lessons with a pupil. The panel therefore did not consider that Mr Hoyle's adamant denial that he had ever patted Pupil B's head was credible.

The panel considered the same evidence that Mr Hoyle had disregarded safeguarding training before and after his return to work on 7 March 2022 was relevant.

The same considerations were taken into account by the panel about the relative weight that could be given to Mr Hoyle's evidence and Pupil B's evidence.

In the circumstances, the panel considered that it was more likely than not that Mr Hoyle had patted Pupil B on the head. The panel therefore found that allegation 2(e) proved.

Allegation 2(f): that between on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, you ruffled her hair

The panel considered that the allegation against you was proved for these reasons:

The panel considered that no material distinction could be drawn between the action of patting and ruffling of Pupil B's hair. The panel considered that the same evidence was relevant and the same reasoning applied as it had considered for allegation 2(e).

Therefore, the panel found allegation 2(f) proved.

The panel found the following allegations against you not proved.

Allegation 2g: that on or around September 2021 and October 2022, on one or more occasions in relation to Pupil B, Mr Hoyle said to her "my sweet", or words to that effect.

The panel found the particular of the allegation 2(g) against you **not proved** for these reasons:

- The panel considered that they had not seen any evidence in the bundle to suggest that Pupil B had reported to the school that Mr Hoyle had used the word "my sweet" or similar with her or that this was part of her complaint against Mr Hoyle. The panel considered:
 - The contemporaneous note of a discussion between Witness B and Witness A on 31 October 2021, where Witness A commented that Pupil A had been upset by the words "my sweet" or similar, used by Mr Hoyle the previous year. The panel noted there was no suggestion by Witness A that Pupil B had made the same allegation against Mr Hoyle.
 - The evidence in the main bundle, where Witness B records questioning Mr Hoyle on 6 December 2021 if he had used the words "my sweet" or similar with Pupil B, which Mr Hoyle denied using except with his wife. The panel noted that the basis for putting this question to Mr Hoyle was not entirely clear from the context of the documents. This point was not raised with Witness B in her oral evidence.
- The panel noted that in his oral evidence, Mr Hoyle denied that he had said that the words "my sweet" in respect of either Pupil A or Pupil B as these were "not in [Mr Hoyle's] vocabulary".
- Having not had the opportunity to put questions to Pupil B on this point and having not heard oral evidence from any other witness called by the presenting officer on this point.

The panel therefore found that on the balance of probabilities, the allegation 2(g) was not proved.

Allegation 3: Your actions at allegations 1a) – 1b) and/or 2a) – 2g) were sexually motivated.

The panel considered whether Mr Hoyle's actions at allegations 1a) – 1b) and 2a) – 2f) were sexually motivated, as it had found these allegations proved. The panel found allegation 3 not proved for these reasons:

The panel had regard to the case of GMC v Haris [2020] EWHC 2518, the case of Basson v GMC and the definition of 'sexual' in s78(1)(b) of the Sexual Offences Act 2003. The panel therefore considered whether: (i) a sexual motivation on the part of Mr Hoyle could be considered to be inferred from all the circumstances of the case; (ii) whether a reasonable person would form the view that Mr Hoyle's actions were by their nature sexual; or (iii) whether Mr Hoyle's actions were by their nature sexual.

The panel considered no evidence had been presented that Mr Hoyle's actions were sexually motivated. The panel considered that they had heard evidence that Mr Hoyle's actions were not sexually motivated:

- The panel considered Witness A's oral evidence that:
 - Witness A relayed to the panel that Pupil A had shown her where the touch occurred and it was just above the knee.
 - Witness A stated that Pupil C's comment about Mr Hoyle having put his hand up Pupil A's skirt had not reported to her at the time.
 - Witness A had heard from Pupil B's mother that Pupil B had described Mr Hoyle touching her leg near the knee in a reassuring way.
- The panel considered that Mr Hoyle's oral evidence had not revealed any sexual motivation as:
 - Mr Hoyle emphatically and repeatedly denied having a sexual motivation, when other parts of his oral evidence had been highly inconsistent; and
 - the panel considered that Mr Hoyle's evidence had been that each time he had touched a pupil, his motivation had not been sexual and he instead had a different motivation, in particular:
 - Mr Hoyle admitted that over the course of his career he had patted pupils on the head or back to congratulate them; and
 - Mr Hoyle admitted that he had been frustrated with Pupil B and he "lost it" with her, leading him to tap Pupil B on the hand.

The panel considered that it had seen no evidence that Mr Hoyle had a sexual motivation in carrying out the actions it had found proved.

In the circumstances and having considered all of the evidence, the panel found allegation 3 not proved.

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

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

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

The panel was satisfied that the conduct of Mr Hoyle, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Hoyle was in breach of the following standards

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

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

The panel was satisfied that the conduct of Mr Hoyle fell significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Hoyle was guilty of unacceptable professional conduct.

The panel was satisfied that the conduct of Mr Hoyle, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Hoyle was in breach of the following provisions: in breach of his duty to safeguard the welfare of children.

The panel was satisfied that the conduct of Mr Hoyle fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Hoyle’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

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 Mr Hoyle's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences 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 noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel considered that Mr Hoyle's repeated and deliberate disregard for the school's safeguarding policies (including the procedures detailed within the risk assessment that he had agreed to adopt in order to protect not just the pupils but also himself), having been given every opportunity to correct his behaviour, amounted to conduct that was very likely to bring the profession into disrepute.

Having found the facts of particulars 1a), 1b), and 2a) to 2f) proved, the panel further found that Mr Hoyle'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Hoyle 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 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 / the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper

standards of conduct and whether the prohibition strikes the right balance between the rights of the teacher and the public interest.

In the light of the panel's findings against Mr Hoyle, which involved harm being caused to pupils through Mr Hoyle's repeated and deliberate breaches of professional standards and safeguarding policies, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate touching of children. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hoyle were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Hoyle was outside that which could reasonably be tolerated.

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. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and wellbeing of pupils, and particularly where there is a continuing risk;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- violation of the rights of pupils.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher/ whether there were mitigating circumstances.

In the light of the panel's findings that:

- There was compelling evidence that Mr Hoyle's actions were deliberate.

- The panel considered that Mr Hoyle was previously subject to disciplinary proceedings/warnings by the School, followed by supplementary safeguarding training before his return to work, but within 6 months of his return had chosen to ignore those safeguarding principles and committed a number of further breaches of professional standards.
- Mr Hoyle had told the panel he had a previously good record over a long period of service. There was no evidence that Mr Hoyle had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector.
- There was no evidence to suggest that Mr Hoyle was acting under extreme duress, e.g. a physical threat or significant intimidation.

Mr Hoyle did not submit any documentary evidence on mitigation. Following the TRA's application to proceed in the absence of Mr Hoyle for the announcement of the panel's decision, the panel did not hear any further oral evidence from Mr Hoyle on mitigation.

The panel was of the view that Mr Hoyle had shown minimal, if any, insight into his actions. The panel considered this was particularly clear from his attempts to discredit the pupils by alleging that they had a vendetta against him. Mr Hoyle's comments recorded in the bundle, that he thought the allegations were "nonsense", were noted.

The panel considered that Mr Hoyle had shown no remorse for his actions.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Hoyle of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Hoyle. Mr Hoyle's repeated and deliberate disregard for safeguarding standards, together with his very minimal insight and lack of remorse was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel considered that those cases were not relevant.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. The panel considered that those cases were not relevant.

The panel considered that Mr Hoyle's lack of regard for professional standards, which was repeated and deliberate, illustrated the need for a review period, in order for Mr Hoyle to have the opportunity to: (i) develop his understanding of the importance of safeguarding principles and practises; and (ii) to demonstrate his insight and remorse following the panel's findings.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

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

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Derek Hoyle should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Hoyle is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

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

The panel was satisfied that the conduct of Mr Hoyle involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

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

The findings of misconduct are serious as they include a teacher touching a pupil in an inappropriate manner.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel observes, "The panel was satisfied that the conduct of Mr Hoyle, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Hoyle was in breach of the following provisions: in breach of his duty to safeguard the welfare of children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows:

“The panel was of the view that Mr Hoyle had shown minimal, if any, insight into his actions. The panel considered this was particularly clear from his attempts to discredit the pupils by alleging that they had a vendetta against him. Mr Hoyle’s comments recorded in the bundle, that he thought the allegations were “nonsense”, were noted.

The panel considered that Mr Hoyle had shown no remorse for his actions.”

In my judgement, the lack of insight exhibited by Mr Hoyle means that there is some risk of the repetition of this behaviour, and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes:

“The panel considered that Mr Hoyle’s repeated and deliberate disregard for the school’s safeguarding policies (including the procedures detailed within the risk assessment that he had agreed to adopt in order to protect not just the pupils but also himself), having been given every opportunity to correct his behaviour, amounted to conduct that was very likely to bring the profession into disrepute.”

I am particularly mindful of the finding of a teacher touching a pupil in an inappropriate manner in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct 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 Mr Hoyle himself. The panel notes that “Mr Hoyle had told the panel he had a previously good record over a long period of service. There was no evidence that Mr Hoyle had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector.”

A prohibition order would prevent Mr Hoyle from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. I have also noted the fact that, as noted by the panel, Mr Hoyle ignored warnings regarding his conduct. In my mind this raises a real risk that this behaviour could be repeated in the future.

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a two-year review period.

I have noted the panel's conclusion that it "...considered that Mr Hoyle's lack of regard for professional standards, which was repeated and deliberate, illustrated the need for a review period, in order for Mr Hoyle to have the opportunity to: (i) develop his understanding of the importance of safeguarding principles and practises; and (ii) to demonstrate his insight and remorse following the panel's findings."


I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. Having done so, I agree with the panel that a two-year review period is proportionate and necessary to allow Mr Hoyle to develop and demonstrate insight into his behaviour and an understanding of the importance of safeguarding principles.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Derek Hoyle 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 16 June 2026, two 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 Hoyle remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read "M. Cavey", enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 14 June 2024

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