



Teaching  
Regulation  
Agency

# **Mr Stefan Hofkes: Professional conduct panel outcome**

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

**November 2024**

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

|                               |  |
|-------------------------------|--|
| <b>Teacher:</b>               | Mr Stefan Hofkes                                   |
| <b>Teacher ref number:</b>    | 3475616  |
| <b>Teacher date of birth:</b> | 13 January 1972                                    |
| <b>TRA reference:</b>         | 21074  |
| <b>Date of determination:</b> | 16 October 2024                                    |
| <b>Former employer:</b>       | Queen Elizabeth’s Hospital, Bristol (“the School”) |

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 October 2024 to 16 October 2024, by virtual means, to consider the case of Mr Stefan Hofkes.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Ms Sarah Daniel (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millen of Kingsley Napley LLP solicitors.

Mr Hofkes was not present, nor was he represented at the hearing.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 June 2024.

It was alleged that Mr Hofkes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Queen Elizabeth's Hospital ("the School"):

1. Between around September 2019 and December 2021 he made inappropriate comments to Pupil A about his:
  - a) appearance; and/or
  - b) sexuality.
2. On or around March 2020, he made a comment to Pupil A that was of an inappropriate and/or threatening nature, that he "want[s] to headbutt your mum", or words to that effect.
3. In or around 2019, he exchanged telephone numbers with Pupil A;
4. On one or more occasions in or around 2019, he exchanged text message with Pupil A;
5. On one of more occasions in or around 2019, he allowed Pupil A to visit his home;
6. On one or more occasions between March 2020 and May 2021, he arranged to meet and/or met Pupil A in person outside of the School;
7. Between September 2019 and May 2021, he hugged Pupil A;
8. On unknown dates, he touched Pupil A on:
  - a) their bottom; and/or
  - b) their shoulder.
9. On or around 22 June 2019, he bought Pupil A alcohol;
10. On one or more occasions between around 2019 and May 2021, he walked Pupil A home.
11. On one or more occasions between around 2019 and May 2021, he gave Pupil A a lift home.
12. On one or more occasions between around 2019 and May 2021, he gave Pupil B a lift home.
13. On one or more occasions between around 2019 and May 2021, he walked Pupil B home.
14. His conduct at paragraphs 1, and/or 5, and/or 6, and/or 7, and/or 8, and/or 9 above was sexually motivated.

Mr Hofkes was not present at the hearing, and both the allegations of fact and whether his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute were taken to be not admitted.

## **Preliminary applications**

### **Proceeding in Absence**

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

The panel was satisfied that TRA had complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures"). Although there was recent correspondence with Mr Hofkes' representatives around the provision of the panel bundle, the panel noted that the documents relied upon by the TRA were attached to the Notice of Proceedings and had therefore been disclosed to Mr Hofkes.

The panel 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 took as its starting point the principle from *R v Jones* 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. In considering the question of fairness, the panel 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*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention by the legal adviser from the case of *R v Jones*, and addressed these as set out below.

On 9 October 2024, Mr Hofkes' representative confirmed they were still acting for Mr Hofkes. The following day the representative confirmed they would not be attending the hearing, although there was to be additional documentation to place before the panel for consideration. On 11 October, the presenting officer's firm enquired whether Mr Hofkes would be in attendance. The representative responded that Mr Hofkes would not be attending, and no reason was provided for his absence. No further documentation had been received for the Panel's consideration. The panel therefore considered that Mr

Hofkes had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

There was no indication that Mr Hofkes might attend voluntarily if the hearing was adjourned. Any adjournment would likely be for several months in order that a panel could be convened.

Mr Hofkes indicated by email that all communications were to be sent to his legal representative. Mr Hofkes was legally represented when he decided not to attend the hearing.

The panel had the benefit of a statement written by Mr Hofkes on 15 December 2022 and was able to ascertain the lines of defence. The panel had the teacher's evidence regarding insight and was able to take this into account at the relevant stage. The panel noted that all witnesses relied upon were to be called to give evidence and the panel was able to test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel recognised that the allegations against the teacher were serious and that there was a real risk that, if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

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 was said to have taken place whilst the teacher was working at the School. The School and Pupil A would have an interest in this hearing taking place in order to move forwards.

The panel also noted that there were two witnesses, including Pupil A (who was a vulnerable witness) who were scheduled to give evidence, and that it would be inconvenient and distressing for this to be rearranged. Delaying the case may impact upon the memories of those witnesses.

The panel considered that in light of:

- the teacher's waiver of his right to appear;
- an adjournment being unlikely to secure Mr Hofkes' attendance;
- the inconvenience an adjournment would cause to the witnesses;

- the potential impact on the memories of witnesses; and
- the public interest in having this matter concluded in an efficient manner

it should proceed with the hearing in the absence of Mr Hofkes, taking such measures referred to above to address any unfairness insofar as is possible.

### **Late admission of documents**

During the panel's drafting of its findings of fact, unacceptable professional conduct and conduct that may bring the profession into disrepute, a letter dated 15 October 2024 from the teacher's representative was received at the end of the second day by the presenting officer's firm. The letter made representations on behalf of Mr Hofkes and enclosed a statement from [REDACTED] and two character references dated 2 May 2023 and 4 May 2023 respectively ("the Late Documents"). At the time of receipt of the Late Documents, all witnesses due to give evidence had been heard, the panel had heard closing submissions and the panel had already reached its findings in its private deliberations.

The panel heard representations from the presenting officer and received legal advice regarding the late admission of the Late Documents but did not read the documents before making its decision whether to admit the documents at the stage of determining the factual allegations.

The Late Documents were not served by Mr Hofkes, or his representatives at least 4 weeks prior to the hearing in accordance with paragraph 5.37 of the Procedures. The panel therefore understood it had a discretion under paragraph 5.34 of the Procedures to decide whether to admit the Late Documents. Paragraph 5.33 of the Procedures states that 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 informed that the statement from [REDACTED] and the letter from Mr Hofkes' representative were relevant to both the factual allegations, as well as mitigation. The panel also understood that the character references could only be relevant at the stage of determining facts, if they gave evidence relating to Mr Hofkes' credibility, propensity or the circumstances in which he found himself at the time.

The panel considered the question of fairness. The panel was informed that the statement of Individual A was undated, but that the character references were dated around 16 months previously and could have been served in accordance with the Procedures. Both the presenting officer and the panel may have had questions arising from the Late Documents for the witnesses who had been called, and who had completed giving their evidence by the time the late documents were received. In those

circumstances, the panel did not consider that it was fair to admit the Late Documents at the finding of fact stage.

The presenting officer confirmed that he had no objection if the Late Documents were admitted at the stage of considering mitigation, if the case progressed to that stage. The panel noted that paragraph 5.112 of the Procedures envisage a teacher being asked whether the teacher had any evidence to produce or submissions to make in mitigation, including anything not previously mentioned to the panel which would be relevant to a decision as to whether a prohibition order is appropriate. Therefore, after the panel's announcement of its findings of fact, the panel admitted the Late Documents for the purpose of considering whether a prohibition order was appropriate.

## **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 7

Section 2: Notice of proceedings and response – pages 8 to 15

Section 3: Teaching Regulation Agency witness statements – pages 16 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 228

Section 5: Teacher's witness statement – pages 229 to 234

The panel also received a bundle in support of the presenting officer's application to proceed in Mr Hofkes' absence; an email confirming Mr Hofkes' request for documentation to be sent to his legal representative and a skeleton submission for the substantive hearing. The panel members confirmed that they had read all of these documents, in advance of the hearing.

At the stage of considering whether a prohibition order was appropriate, the panel admitted the Late Documents and read them before making their recommendation.

### **Witnesses**

The panel heard oral evidence from the following witnesses called by the presenting officer:

Witness B –[REDACTED] and

Pupil A.



## Decision and reasons

The panel announced its decision and reasons as follows:

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

From 1 September 2010, Mr Hofkes worked at the School as a visiting music teacher. From 1 September 2016, Mr Hofkes was employed on a part time basis at the School as a piano teacher. On 18 May 2021, a written warning was given to Mr Hofkes. On 9 May 2022, a final written warning was given to Mr Hofkes. On 19 May 2022, a complaint was raised by Pupil A's mother. On 25 May 2022, Mr Hofkes was suspended pending the outcome of an investigation. A disciplinary hearing took place and, on 23 June 2022, Mr Hofkes ceased employment at the School. On 6 September 2022, Mr Hofkes was referred to the TRA.

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

Pupil A gave oral evidence to the panel. The panel considered his account had remained consistent with that in his witness statement for these proceedings, and also the notes of a verbal account that Pupil A gave to Witness B as part of the School's investigation on 20 May 2022. There was also internal consistency within the oral evidence that Pupil A gave to this panel. His account was consistent with the only contemporaneous documentary evidence available, namely messages between Pupil A and Mr Hofkes between 5 September 2021 and 12 September 2021. The panel found Pupil A to be measured in his account, and indicated clearly when he could not be sure that conduct could be attributed to Mr Hofkes. The panel therefore found Pupil A to be a credible witness.

Mr Hofkes did not attend the hearing and the panel was not able to test his credibility. The panel had the benefit of a written statement by Mr Hofkes in which he accepted some of the alleged conduct had occurred, and provided his explanation for those actions.

### **Whilst working as a teacher at Queen Elizabeth's Hospital ("the School"):**

- 1. Between around September 2019 and December 2021 you made inappropriate comments to Pupil A about his:**
  - a) appearance; and/or**

Pupil A, in his witness statement, stated that Mr Hofkes regularly gave him compliments about his physical appearance. He stated that he only did this when they were alone, either in person or when in virtual meetings during lockdown. Pupil A stated that he mentioned to Mr Hofkes that he was [REDACTED] and Mr Hofkes replied along the lines of “no, it’s very handsome, you have beautiful wrists” or “it is beautiful, I’ve been attracted to men like that”. Pupil A stated that he also remembered Mr Hofkes commenting that he [REDACTED] Pupil A stated that the comments made him feel uncomfortable and that they were made on a fairly regular basis.

In Mr Hofkes’ witness statement, he stated that there “had been a misleading impression of comments [he] may have made on very few occasions concerning Pupil A’s physical appearance”. He stated that this would only have been “at the level a parent or relative might make when faced with a young person [REDACTED] making self-critical comments about their appearance.” He gave a specific example of Pupil A having spoken disparagingly about himself and his body-image and that to boost his confidence, he made “a positive remark of a general nature about him being a good-looking young man who should not worry about his appearance”. Furthermore, Mr Hofkes said his partner had been present at the time.

The panel found that Mr Hofkes had made comments about Pupil A’s appearance. For the reasons referred to above, the panel found Pupil A’s account to be credible. The nature and context of these comments, especially a comment that linked Pupil A’s appearance to men to whom Mr Hofkes was attracted, were found by the panel to be inappropriate.

The panel, therefore, found this proven.

#### **b) sexuality.**

In his witness statement, Pupil A stated that he and Mr Hofkes had had conversations in which Pupil A questioned his sexuality, and in September 2019, these conversations shifted to Mr Hofkes saying to Pupil A that he “knew” Pupil A was gay. In oral evidence Pupil A stated that Mr Hofkes would make comments [REDACTED]

Pupil A also described one occasion during Year 11, when Mr Hofkes [REDACTED], despite him not having permission to discuss this.

Pupil A stated that he still finds the topic of his sexuality uncomfortable and that whilst he knows he is not gay, Mr Hofkes tried to “force [him into] that identity”.

In oral evidence, Pupil A referred to watching television with Mr Hofkes and his partner, and Mr Hofkes stated that he thought Pupil A was attracted to a male contestant on a television programme, and that he raised that with Pupil A in their lessons afterwards. Pupil A accepted that with the passage of time, he would have raised issues about sexuality in his conversations with Mr Hofkes as he had started to question his sexuality more intensely.

In Mr Hofkes' witness statement, he stated that when Pupil A had began to raise with him conversations about sexuality, he had endeavoured to respond as a family friend, conscious that Pupil A was [REDACTED]. He stated that during this time Pupil A appeared to become more comfortable around his feelings of being gay, but that Mr Hofkes had not initiated these conversations.

Mr Hofkes also stated that there had been one occasion when he disclosed at school that Pupil A was gay. He stated that this had been in relation to a proposal to set up a support group at school, and he had acted with good intent, believing it to be in Pupil A's best interests. He confirmed that he had disclosed this without Pupil A's knowledge or consent, and that Pupil A "took [him] to task over this at the time", and that Mr Hofkes had acknowledged it and apologised to him.

The panel found it proven that Mr Hofkes had made comments regarding Pupil A's sexuality. The panel did not consider that it was appropriate for Mr Hofkes to have had these conversations with Pupil A given that others in the school had responsibility for the pastoral care of students and would have been trained to handle such conversations. For example, Pupil A confirmed that there had been a counsellor at the School.

The panel found this allegation proven.

**2. On or around March 2020, you made a comment to Pupil A that was of an inappropriate and/or threatening nature, that you "want to headbutt your mum", or words to that effect.**

In Pupil A's witness statement, he stated that Mr Hofkes commented more than once that he wanted to headbutt Pupil A's mother. He stated that these comments started during the [REDACTED] Pupil A explained that he had had an argument with his mother on holiday about his friendship with Mr Hofkes. He stated that he had told Mr Hofkes about the argument, and this was the first time Mr Hofkes told Pupil A that he wanted to headbutt her. He stated that, after that, if he ever had an argument with his mother, Mr Hofkes would often say that he wanted to headbutt her when Pupil A told him about it. Pupil A stated that his response to Mr Hofkes was along the lines of "please don't." He stated that when Mr Hofkes made these comments he seemed angry and said them in a forceful way.

In oral evidence Pupil A confirmed that there was never an occasion when he was concerned that Mr Hofkes was going to act on his comments but he had felt uncomfortable at the reference of violence towards his mother.

In the School's investigation, Mr Hofkes was asked whether he had "ever suggested to a pupil that he would like to physically harm a parent, ie headbutt?" Mr Hofkes responded that he had, but this [REDACTED], and that Pupil A had received the comment as a joke as well. In Mr Hofkes' statement for the school disciplinary hearing, Mr Hofkes stated that

on reflection, this was a totally unacceptable comment, and he could only say that it was “totally unserious, and part of a joking part of the conversation, and taken as such”.

In Mr Hofkes’s statement for the TRA proceedings, he confirmed that he accepted that he had made this comment.

The panel found it proven that Mr Hofkes had made this comment and that it was inappropriate, since it undermined the relationship between parent and son. The panel did not find that the comment had been of a threatening nature, since although the comment was said in an angry manner, Pupil A was not left with the impression that Mr Hofkes was going to act on the comment.

The panel found that Mr Hofkes had made the comment and that it was inappropriate but not of a threatening nature.

### **3. In or around 2019, you exchanged telephone numbers with Pupil A;**

In Pupil A’s witness statement, he stated that Mr Hofkes had asked him to look after his cat when he went on holiday. He stated that he believed that had been in 2018,[REDACTED]. He stated that they had exchanged telephone numbers so that they could contact each other about the cat whilst Mr Hofkes was away.

The panel bundle contained messages exchanged between Pupil A and Mr Hofkes which confirmed that the telephone numbers must have been exchanged.

In Mr Hofkes’ witness statement for these proceedings, he confirmed that he accepted that they had exchanged telephone numbers. He referred to it having been Pupil A’s mother who gave Pupil A Mr Hofkes’ mobile telephone number in the context of the arrangement to look after the cat.

The panel did not consider it mattered whether it had been Pupil A’s mother who provided Mr Hofkes’ number to Pupil A or Mr Hofkes himself given there was clear evidence of Mr Hofkes continuing to message Pupil A using his number in 2021. Witness B confirmed that it was outside the School’s policy for a teacher to exchange numbers with a pupil.

The panel found this allegation proven.

### **4. On one or more occasions in or around 2019, you exchanged text messages with Pupil A;**

In Pupil A’s witness statement, he stated that they exchanged text messages regularly, with approximately 20 text messages per day. The topics would be about music, what they had been doing, concerns and things Mr Hofkes had done on holiday. Pupil A explained that he had deleted all of the messages when the School told Pupil A that they wanted to interview Pupil A during the School’s investigation as he was aware that some

of them were inappropriate and he had not wanted Mr Hofkes to get into trouble. However, he stated that he had messages after that time, and produced these for the panel. He stated that there had been fewer messages at that point, as Mr Hofkes had been spoken to by the School.

The panel reviewed the text messages provided. These messages dated between 5 and 12 September 2021 included references to Mr Hofkes' holiday and included a comment from Mr Hofkes stating "so many real, beautiful gay men out and about! Sorry not professional".

In his witness statement, Mr Hofkes accepted that he and Pupil A had exchanged text messages.

The panel found this allegation proven.

**5. On one of more occasions in or around 2019, you allowed Pupil A to visit your home;**

In Pupil A's witness statement, he stated that he had attended Mr Hofkes' home on more than one occasion. Pupil A stated that the first time he had visited Mr Hofkes' home was to feed Mr Hofkes' cat whilst Mr Hofkes was away on holiday [REDACTED]. He cited another occasion when he was [REDACTED] when he had gone to Mr Hofkes' home after watching a film at the cinema. He stated that they ate food and watched television. He said that Mr Hofkes' partner was often there too and Pupil A's mother had known that he was visiting Mr Hofkes' home.

In Mr Hofkes' witness statement for these proceedings, he accepted that Pupil A had visited his home.

The panel found this allegation proven.

**6. On one or more occasions between March 2020 and May 2021, you arranged to meet and/or met Pupil A in person outside of the School;**

In Pupil A's witness statement, he stated that during lockdown, he and Mr Hofkes met almost every day for a walk, and that no one else had known about this.

In Mr Hofkes' witness statement for these proceedings, Mr Hofkes accepted he had met with Pupil A outside School.

The panel found this allegation proven.

**7. Between September 2019 and May 2021, you hugged Pupil A;**

In Pupil A's witness statement, he stated that Mr Hofkes hugged him on numerous occasions, both inside and outside of school. He stated that Mr Hofkes always asked him first, or stood with his arms out towards Pupil A and Mr Hofkes never forced a hug upon

Pupil A. He stated that there was one occasion, when Pupil A had been talking about something emotional relating to his [REDACTED] , when Pupil A had put his head on Mr Hofkes' shoulder and they had a hug which did not make Pupil A feel uncomfortable. Pupil A stated that as he got older, he started to feel more uncomfortable when Mr Hofkes hugged him.

Mr Hofkes stated that Pupil A became [REDACTED] and on occasion, Pupil A confided in him. He stated that there were occasions when Pupil A was visibly distressed and that Mr Hofkes would give him a hug when asked by Pupil A. He stated that at the time he thought he was acting within the School's Code of Conduct but with hindsight, he has recognised and accepted that he had overlooked to report this, at the time, to his line manager.

The panel found this allegation proven.

#### **8. On unknown dates, you touched Pupil A on:**

##### **a) their shoulder.**

In Pupil A's witness statement, he stated that there were occasions when Mr Hofkes and he had gone for walks, and Mr Hofkes had touched him on the shoulder.

In Mr Hofkes' statement for the School's investigation, he stated that any physical contact, being hugs and shoulder pats with Pupil A were only ever for consolation, encouragement or celebration.

The panel found this allegation proven.

#### **9. On or around 22 June 2019, you bought Pupil A alcohol;**

In Pupil A's witness statement, he stated that he and [REDACTED] and Mr Hofkes had bought him a beer afterwards. Pupil A confirmed this in oral evidence and added there had been occasions also when he had had a small glass of wine or prosecco at Mr Hofkes' house.

In Mr Hofkes' witness statement for these proceedings, Mr Hofkes stated that they had [REDACTED] He stated that he did not buy Pupil A a beer or any other alcoholic drink.

The panel had seen a statement written by the chair of the [REDACTED] Although she did not attend to give oral evidence, the panel considered it could admit her statement since it was not the sole or decisive evidence in support of any allegation. The panel noted that the chair of the [REDACTED] stated that she did not recall seeing Mr Hofkes buy Pupil A an alcoholic drink for Pupil A or [REDACTED] nor did she recall seeing Pupil A or [REDACTED] drinking beer or getting drunk". She stated that she would have noticed if that had been the case, as she was aware that, at the time, they were both under 18.

The panel accepted the account of Pupil A. For the reasons above, the panel accepted Pupil A was a credible witness. Whilst the chair of the [REDACTED] had not seen Mr Hofkes buying Pupil A a beer, it could have occurred without her seeing. The panel was unable to test her evidence, as she was not in attendance, and the panel preferred the evidence of Pupil A who they were able to test by asking questions.

The panel found this allegation proven.

**10. On one or more occasions between around 2019 and May 2021, you walked Pupil A home.**

Witness B stated that he spoke with Pupil A on 31 March 2022. He stated that Pupil A had told him that he and Mr Hofkes had walked home together once. Witness B stated that Pupil A had later admitted not having been entirely honest previously as he had been covering for Mr Hofkes and by that time was more willing to share what had happened.

In Mr Hofkes' witness statement, he admitted having walked home in the company of Pupil A. He explained further that he would sometimes walk home in the company of Pupil A and other friends, that this typically would be in a group, not a one to one basis and mostly followed an after-school activity where those in attendance would naturally leave the School at the same time.

Pupil A was asked about Mr Hofkes' explanation in oral evidence. He stated that he had walked home with Mr Hofkes on multiple occasions, and in around half of these it would have been just Pupil A and Mr Hofkes together, and it was not necessarily after a school activity. He stated that Mr Hofkes would sometimes go out of his way to walk Pupil A home, particularly after [REDACTED]

The panel found this allegation proven.

**11. On one or more occasions between around 2019 and May 2021, you gave Pupil A a lift home.**

In Pupil A's witness statement, he stated that after the [REDACTED] referred to above, Mr Hofkes gave Pupil A and [REDACTED] a lift home.

In Mr Hofkes' witness statement, he accepted that he had given Pupil A a lift home.

The panel found this allegation proven.

The panel found the following particulars of the allegations against you not proved, for these reasons:

- 8. On unknown dates, you touched Pupil A on:**
- a) their bottom; and/or**

In Pupil A's witness statement, he stated that there was one occasion, he believed when Pupil A was [REDACTED] when Mr Hofkes moved his hand and grazed Pupil A's bottom. He stated that he did not think he reacted, and was not quite sure if it had been deliberate or not. Pupil A had been wearing a long coat, and it was a light touch.

In the School's investigation Mr Hofkes denied touching Pupil A on the bottom.

Since Pupil A was unsure whether Mr Hofkes had touched him on the bottom, the panel did not consider that the evidence proved the allegation to the requisite standard.

The panel found this allegation not proven.

**12. On one or more occasions between around 2019 and May 2021, you gave Pupil B a lift home.**

**13. On one or more occasions between around 2019 and May 2021, you walked Pupil B home.**

In advance of this substantive hearing, at an earlier case management hearing, it was decided not to admit the witness statement of Pupil B as hearsay evidence. The presenting officer confirmed that, as a result, no evidence was offered in respect of allegation 12. The panel noted that Mr Hofkes had indicated that he accepted that he had given Pupil B a lift home but there was no evidence of the circumstances or details around this.

With regard to having walked Pupil B home, the only evidence of this was that of Witness B who had received an allegation that Mr Hofkes had walked home with Pupil B, and asked Mr Hofkes about this. Witness B stated that Mr Hofkes had confirmed that he had walked home with Pupil B.

In the absence of direct testimony of Pupil B, on oath, the panel decided that the burden of proof had not been discharged, There was limited information regarding these allegations, and the panel did not consider that the evidence proved the allegation to the requisite standard.

**14. Your conduct at paragraphs 1. and/or 5. and/or 6. and/or 7. and/or 8. and/or 9. above was sexually motivated.**

The panel noted from the evidence in the bundle, that there were elements of Mr Hofkes' behaviour that the panel found concerning, for example the excessive amount of attention given to Pupil A, meeting with Pupil A outside of School, inviting him to his home, hugging Pupil A when they were alone, offering advice and understanding and appearing to try to alienate Pupil A from his mother through comments made. Pupil A referred to the time he spent with Mr Hofkes as being time that he was not spending with his family and friends.



Pupil A in oral evidence explained how his relationship with Mr Hofkes had ended. He stated that Mr Hofkes had said that he had never felt the same way about anyone else as he felt about Pupil A. Pupil A stated that he said he did not feel the same way about Mr Hofkes as Mr Hofkes felt about him. Following this, Pupil A stated that Mr Hofkes had stopped their [REDACTED] saying he would find it “too painful”.

The panel asked Pupil A what he believed Mr Hofkes’ perception of their relationship to be. Pupil A explained that they were more than friends, and he perceived Mr Hofkes to be intending that they have a deeper connection. Pupil A referred to the “intensity of relationship” that Mr Hofkes was demanding from him.

In Mr Hofkes’ witness statement he denied any sexual or improper motivation. He stated that he became too closely concerned and involved in Pupil A’s [REDACTED] He referred to feeling increasingly responsible to provide support as an adult friend and mentor to Pupil A.

The panel was aware of the possibility that because of the nature of Mr Hofkes’ conduct, it may be sexual. The panel considered the circumstances and purpose of Mr Hofkes’ conduct. The panel noted that even in the absence of any direct evidence, sexual motivation could be proved by inference or deduction from the surrounding evidence.

The panel considered the conduct found proven at paragraphs 1, 5, 6, 7,8 and 9 above as a pattern of behaviour, rather than considering whether sexual motivation was proven in respect of each allegation individually.

The panel was conscious that sexual motivation is a particularly serious allegation, which called for heightened examination of the strength and quality of the evidence which includes the inherent unlikelihood of the occurrence taking place, the seriousness of the allegation and the serious consequences which could follow if found proved.

This was not a case where there was no other explanation for the conduct other than it being sexually motivated. This was a relationship between a music teacher and student, and another explanation may have been that Mr Hofkes saw Pupil A as his protégé. A colleague who raised concerns about Mr Hofkes’ behaviour acknowledged that Mr Hofkes was “invested in wanting to help and support their musical development”. Pupil A also referred to a friend having said that Mr Hofkes “views friendships in a passionate way”. There was no sexual touching, nor any sexual innuendo, nor any evidence that Mr Hofkes was acting for sexual gratification or to pursue a future sexual relationship with Pupil A.

The panel considered there was insufficient evidence to draw an inference that the conduct was sexually motivated.

The panel did not, therefore, consider that the evidence proved the allegation to the requisite standard.

## 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 Hofkes, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Hofkes 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, and maintain high standards in their own attendance and punctuality.

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 Hofkes in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Hofkes was in breach of the requirements to act in the best interest of the child and to safeguard and promote the welfare of the child.

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

The panel also considered whether Mr Hofkes conduct 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 controlling or coercive behaviour 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.

The panel noted that conduct found proven took place outside the education setting. The panel considered that it affected the way Mr Hofkes fulfilled his teaching role, as he failed to maintain appropriate boundaries with Pupil A which impacted upon Pupil A's confidence, caused him to feel isolated from his friends and family, and his sexuality has become "a difficult and uncomfortable topic" for him.

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

The panel went on to consider whether Mr Hofkes was guilty of 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.

In considering the issue of disrepute, the panel also considered whether Mr Hofkes conduct 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 controlling or coercive behaviour 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Hofkes' status as a teacher.

The panel considered that Mr Hofkes' conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Hofkes' actions constituted 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 Hofkes 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 maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Hofkes engaged in discussions with a child who was questioning their sexuality without referring it to those who were trained in the appropriate handling of such matters.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hofkes 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 Hofkes was outside that which could reasonably be tolerated.

The panel decided that there was also a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a 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. 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- 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 Mr Hofkes and whether there were mitigating circumstances.

The panel considered Mr Hofkes' actions to have been deliberate.

There was no evidence to suggest that Mr Hofkes was acting under extreme duress, e.g. a physical threat or significant intimidation.

The panel accepted that Mr Hofkes was an inspirational teacher. However, he had previously been warned in writing by the School to have regard to the appropriate boundaries between teacher and pupil. He had not therefore demonstrated exceptionally high standards in both his personal and professional conduct. There was limited evidence to suggest that he had contributed significantly to the education sector.

Mr Hofkes provided two character references. The first, from a colleague of Mr Hofkes in music education, referred to Mr Hofkes as "a gifted practitioner and consummate professional who commands respect through his infectious passion for music and the wider context behind it." The reference continued "All those who encounter him recognise his ability to mentor and coach others through his questioning, to achieve the best of their abilities... Rather than mould students and orchestras to a particular style, Stefan's ethos is to facilitate individuals to make their own creative choices and he guides them to be independent and true to themselves."

The second character reference from a friend and colleague stated that "Stefan is a positive, focussed and committed individual who brings enthusiasm and passion to all I have witnessed him undertake. His open, honest and caring nature is ever apparent and I have found him to be reliable and trustworthy in all my encounters with him. He is extremely personable and shares his knowledge and wisdom freely with a generous spirit, always making time for people".

[REDACTED] also provided a statement in support of Mr Hofkes. This stated that "Stefan was an incredibly dedicated, inspiring and hugely popular educator. He brought music to life for young people and inspired many young musicians to enjoy music in a profound

and significant way and many went on to study music, fuelled by his enthusiasm... In the QEH school music department, [REDACTED], Stefan was one of the most popular teachers with all the music students. Sixth formers would come to the department at break and lunchtimes to talk with him about music, listen to recordings etc.” This referee also stated that “[h]e never had any mal-intent towards Pupil A, emotionally or physically, quite the opposite in fact. That is the last thing he would ever do.”

The panel noted that Mr Hofkes’ representative provided written representations on 15 October 2024 in which it was stated that Mr Hofkes acknowledges and has apologised for professional failings on his part but he categorically denies having acted with any improper motivation. The panel accepted that Mr Hofkes’ actions may well have been well intentioned to support and nurture Pupil A who was experiencing [REDACTED] However, in not maintaining appropriate boundaries, he isolated Pupil A from his family and friends and Mr Hofkes left himself open to his intentions being misinterpreted.

The panel noted that Mr Hofkes received a first written warning about his breaching boundaries in May 2021. Notwithstanding this, there was clear evidence Mr Hofkes had continued to breach professional boundaries with Pupil A given the text messages that were exchanged between them in September 2021 concerned personal matters. Mr Hofkes received a final written warning on 9 May 2022, again for blurring professional boundaries. The panel was therefore concerned about the risk of repetition.

Mr Hofkes did not attend this hearing, so the panel was unable to question him regarding his level of insight. The panel noted Mr Hofkes stated in his witness statement that “I have recognised and acknowledged failures on my part to observe the School’s Code of Conduct and more generally my failure to maintain the boundaries between my responsibilities and role as a teacher and friendships of a personal nature. In the particular circumstances of this case, this has been a traumatic and distressing process for me and I believe that I acted properly in offering my resignation as a teacher at the School.” Whilst Mr Hofkes acknowledged that he breached the professional boundaries, he failed to recognise the effect that this had on Pupil A or why those boundaries are important, again giving the Panel concerns regarding the risk of repetition.

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 Hofkes 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

Hofkes. The continued breach of boundaries despite a formal written warning 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 two years.

The misconduct in this case was not such that the Advice recommends no review period or a longer period before a review may be considered. The panel noted that the conduct in this case was not at the most serious end of the possible spectrum. As referred to above, the panel was concerned by the risk of repetition, but considered that it was proportionate in this case to recommend a review period.

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 conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including allegations 8.a, 12, 13 and 14). I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Hofkes 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, and maintain high standards in their own attendance and punctuality.

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 Hofkes involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are serious as they include a finding of making inappropriate comments to, and failing to maintain professional boundaries with, a pupil.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Hofkes, 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 has observed:

“There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Hofkes engaged in discussions with a child who was questioning their sexuality without referring it to those who were trained in the appropriate handling of such matters.”

The panel has also observed:



“The panel accepted that Mr Hofkes’ actions may well have been well intentioned to support and nurture Pupil A who was experiencing [REDACTED] However, in not maintaining appropriate boundaries, he isolated Pupil A from his family and friends and Mr Hofkes left himself open to his intentions being misinterpreted.”

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 the panel has set out as follows:

“Mr Hofkes did not attend this hearing, so the panel was unable to question him regarding his level of insight. The panel noted Mr Hofkes stated in his witness statement that “I have recognised and acknowledged failures on my part to observe the School’s Code of Conduct and more generally my failure to maintain the boundaries between my responsibilities and role as a teacher and friendships of a personal nature. In the particular circumstances of this case, this has been a traumatic and distressing process for me and I believe that I acted properly in offering my resignation as a teacher at the School.” Whilst Mr Hofkes acknowledged that he breached the professional boundaries, he failed to recognise the effect that this had on Pupil A or why those boundaries are important, again giving the Panel concerns regarding the risk of repetition.”

In my judgement, the lack of evidence of full insight 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 observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hofkes were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of breaching professional boundaries 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 Hofkes himself. The panel has commented:

“The panel accepted that Mr Hofkes was an inspirational teacher. However, he had previously been warned in writing by the School to have regard to the appropriate boundaries between teacher and pupil. He had not therefore demonstrated exceptionally high standards in both his personal and professional conduct. There was limited evidence to suggest that he had contributed significantly to the education sector.”

The panel also noted two character references and a statement from [REDACTED] One of the character references attested to Mr Hofkes’ ability as a music teacher, describing him as “a gifted practitioner and consummate professional who commands respect through his infectious passion for music and the wider context behind it.”

A prohibition order would prevent Mr Hofkes 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 finding of the panel that Mr Hofkes had continued to breach professional boundaries despite a formal written warning, and that it was therefore concerned about the risk of repetition. The panel has said:

“The panel noted that Mr Hofkes received a first written warning about his breaching boundaries in May 2021. Notwithstanding this, there was clear evidence Mr Hofkes had continued to breach professional boundaries with Pupil A given the text messages that were exchanged between them in September 2021 concerned personal matters. Mr Hofkes received a final written warning on 9 May 2022, again for blurring professional boundaries. The panel was therefore concerned about the risk of repetition.”

I have also placed considerable weight on the panel’s comments about the lack of full insight, which also contributed to its concern about the risk of repetition.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hofkes 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 full 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 considered the panel’s comments:

“The misconduct in this case was not such that the Advice recommends no review period or a longer period before a review may be considered. The panel noted that the conduct in this case was not at the most serious end of the possible spectrum. As referred to above, the panel was concerned by the risk of repetition, but considered that it was proportionate in this case to recommend a review period.”

I have agreed with the panel and decided that 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.

**This means that Mr Stefan Hofkes 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 24 October 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 Hofkes remains prohibited from teaching indefinitely.

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

Mr Stefan Hofkes 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 'D Oatley', written in a cursive style.

**Decision maker: David Oatley**

**Date: 18 October 2024**

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