



Teaching  
Regulation  
Agency

# **Janet Larter: Professional conduct panel outcome**

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

**May 2022**

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

**Teacher:** Ms Janet Larter

**TRA reference:** 17447

**Date of determination:** 10 to 11 May 2022

**Former employer:** North Walsham High School, Norfolk

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 – 11 May 2022 via Microsoft Teams to consider the case of Ms Janet Larter.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Shabana Robertson (lay panellist) and Mr Neil Hillman (teacher panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson solicitors.

Ms Larter was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 4 March 2022 (as amended).

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

Whilst employed as a science teacher at North Walsham High School ('the School') between 1 September 2000 and 22 September 2017 she:

1. Discussed inappropriate material and/or made inappropriate comments to one or more pupils on one or more occasions including:
  - a. On or around 9 February 2017 during a year 7 Biology class she discussed rape;
  - b. Telling one or more male pupils that their penis 'needs to be the size of a Pritt Stick and as thick' or words to that effect;
  - c. Informing one or more pupils that Pupil C, who she named, had found 'lump' which they thought may be cancerous;
  - d. In or around March 2017, she made a comment that 'one flick of [Pupil B's hair and the boys would all shiver in their seats with the tables rising', or words to that effect.
2. In doing so at allegation 1 and/or 2 she caused one or more pupils distress.

The allegations were not admitted.

Ms Larter made no admission of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

The panel considered an application from Ms Quirk to proceed in the absence of Ms Larter.

The panel first considered whether the notice of proceedings had been served in accordance with paragraphs 4.11 and 4.12 of the document *Teacher misconduct: disciplinary procedures for the teaching profession* (the Procedures) (updated April 2018). The panel was satisfied that it had.

The panel then considered whether to exercise its discretion to proceed in the absence of Ms Larter. The panel recognised that a person is entitled to attend and participate in a

hearing of this sort, and that it should only proceed in absence where it would be fair and in the interests of justice to do so. The panel also recognised that a person can waive their right to attend and participate. In an email to the presenting officer dated 14 March 2022, Ms Larter stated unequivocally that she did not intend to attend the hearing, and that she waived her right to attend. She had given a similar indication by email dated 21 June 2021. In the circumstances, the panel determined that no useful purpose would be served by adjourning the hearing, and that it would be fair and appropriate to proceed in Ms Larter's absence. The panel had regard to the fact that the allegations date back to 2017, and it is in the public interest and Ms Larter's interest for this matter to be brought to a conclusion.

The panel also considered an application from Ms Quirk to amend the allegation so that:

- Allegation 1d becomes allegation 2
- Allegation 2 becomes allegation 3

The presenting officer suggested that this amendment is intended to correct a typographical error. She informed the panel that the teacher was notified of the proposed amendment in April 2022, and replied to confirm that she had no objection to it. In accordance with paragraph 4.56 of the procedures, the panel considered whether it would be in the interests of justice to allow the application to amend. It considered it would be. The panel recognized that the proposed amendment changed an aspect of the way in which the case against the teacher is put, but accepted that this reflected the evidence which has been served on the teacher. The panel had regard to the teacher's indication that she had no objection to the proposed amendment.

The allegations now read as follows:

Whilst employed as a science teacher at North Walsham High School ('the School') between 1 September 2000 and 22 September 2017 you:

1. Discussed inappropriate material and/or made inappropriate comments to one or more pupils on one or more occasions including:
  - a. On or around 9 February 2017 during a year 7 Biology class you discussed rape;
  - b. Telling one or more male pupils that their penis 'needs to be the size of a Pritt Stick and as thick' or words to that effect;
  - c. Informing one or more pupils that Pupil C, who you named, had found 'lump' which they thought may be cancerous;

2. In or around March 2017, you made a comment that ‘one flick of [Pupil B’s hair and the boys would all shiver in their seats with the tables rising’, or words to that effect.
3. In doing so at allegation 1 and/or 2 you caused one or more pupils distress.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 6 to 8

Section 2: Notice of proceedings and response – pages 10 to 22

Section 3: Teaching Regulation Agency witness statements – pages 24 to 26

Section 4: Teaching Regulation Agency documents – pages 28 to 296

Section 5: Teacher documents – none

In addition, the panel agreed to accept the following:

- Email exchange between Ms Quirk and Ms Larter regarding the application to amend the allegation 25 April 2022

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:

- [redacted]

## **Decision and reasons**

The panel announced its decision and reasons as follows:

Ms Larter had been employed at the School since 1 September 2000 as a science teacher. In February 2017, the School received an email from a parent of a Year 7 pupil. The parent expressed concern about a discussion about rape that had allegedly taken place during one of Ms Larter's Year 7 Biology lessons. An investigation followed, during which a number of pupils talked about the discussion and reported feeling distressed as

a result of it. During the investigation, further concerns were raised about other potentially inappropriate comments made by Ms Larter while teaching, including:

- Describing the size of an erect penis by reference to a glue stick;
- During a discussion about cancer and how to examine for lumps, referring to a former pupil by name and saying that they had found a lump which was cancerous.

It was also alleged that Ms Larter had made an inappropriate comment involving a sexual innuendo to a Year 10 pupil's family at a parents' evening.

## **Findings of fact**

The findings of fact are as follows:

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

**Whilst employed as a science teacher at North Walsham High School ('the School') between 1 September 2000 and 22 September 2017 you:**

**1. Discussed inappropriate material and/or made inappropriate comments to one or more pupils on one or more occasions including:**

**a. On or around 9 February 2017 during a year 7 Biology class you discussed rape**

The panel noted that throughout the school's investigation, Ms Larter accepted that a discussion about rape had taken place during a year 7 Biology class. She also accepted that during that discussion, she had referred to a local case of violent rape and murder and told the pupils that the perpetrator had never been found. She gave an example of a bottle being used to cause harm to a victim. The panel has seen various statements from pupils who were present during this discussion. The panel was content to admit these statements in evidence, notwithstanding that they were hearsay, because they were not the sole and decisive evidence on this issue, given Ms Larter's admissions. The panel was satisfied that in light of all the evidence, this allegation is proved on the balance of probabilities.

**3. In doing so at allegation 1a you caused one or more pupils distress**

The panel has amended this allegation to reflect its findings that only allegation 1a has been proved, and that allegation 3 has only been proved insofar as it relates to allegation 1a.

[redacted] was the [redacted] who investigated the allegations. In February and March 2017, [redacted] interviewed 19 out of 26 pupils in the class (the School considered this was an adequate sample). [redacted] gave evidence to the panel about what [redacted] observed during those interviews. The majority of the children [redacted] spoke to exhibited or reported signs of distress at various levels, including one who reported that they had "not slept" as a result of what Ms Larter had said.

[redacted] evidence was consistent with the hearsay evidence of the pupils. The panel concluded that it was fair to admit the hearsay evidence on this issue, because it was not the sole and decisive evidence. 10 of the 19 statements exhibited included some reference to the pupil being upset, scared, or otherwise distressed as a result of the discussion.

Further, given the graphic nature of the matters discussed and the age of the pupils, the panel considered it was unsurprising that at least some of the pupils were upset by the discussion.

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

**1b. Telling one or more male pupils that their penis 'needs to be the size of a Pritt Stick and as thick' or words to that effect;**

The panel noted that, while Ms Larter accepted making a comment comparing penis size to a glue stick, she denied saying the words quoted in this allegation.

The only evidence that the words quoted were said by her came from the hearsay statement of Pupil H. There was no evidence before the panel about why Pupil H had not been called to give evidence on this issue, and no evidence about the steps taken to secure live evidence from him. In these circumstances, the panel concluded that it would not be fair to admit the hearsay evidence of Pupil H. Further, the panel considered that even if it had admitted this evidence, it would not have carried enough weight to prove the allegation to the required standard.

The panel went on to consider whether there was sufficient evidence to establish that Ms Larter said words to the effect of the comment quoted in this allegation. It concluded that there was not. There was hearsay evidence from Pupil L that Ms Larter had held up a Pritt Stick and said this is the average size of a man's penis when erect. During the School's investigation, Ms Larter had accepted that she said something of this sort. But the panel concluded that the words she had accepted using were not of the same effect as the words quoted in this allegation. The words quoted include "needs to" which carry a significant imputation, i.e. that an erect penis would not be normal if it was not that size. The panel was not satisfied that any comment made by Ms Larter was to that effect.

**1c. Informing one or more pupils that Pupil C, who you named, had found 'lump' which they thought may be cancerous;**



The panel noted that during the School's investigation, Ms Larter accepted telling her pupils about a former pupil who had found a lump which turned out to be cancerous. Ms Larter had denied giving that pupil's name.

The only evidence that she had named the pupil came from the hearsay evidence of Pupil E, and the further hearsay of Pupil E's parent, who reported what Pupil E had told them. The panel considered that it was not fair to admit this hearsay evidence. It was the sole and decisive evidence on this aspect of the allegation, and there was no evidence before the panel about why Pupil E had not been called to give evidence on this issue, or any attempts made to secure their evidence.

Further, the panel considered that even if it had admitted this evidence, it would not have carried sufficient weight to prove that Ms Larter had named the former pupil. The panel noted that Pupil E and Pupil E's parent did not provide the name allegedly given by Ms Larter (as confirmed in oral evidence from [redacted]).

The panel recognized that it could amend this allegation to delete the words "who you named", and find the remainder of the allegation proved. The panel decided not to, because in its view, the significance and seriousness of this allegation flows from the alleged breach of confidence. In the panel's view, there was no prospect that the remainder of this allegation could amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute.

**2. In or around March 2017, you made a comment that 'one flick of [Pupil B's hair and the boys would all shiver in their seats with the tables rising', or words to that effect.**

The only evidence suggesting that Ms Larter made a comment which included the sexual innuendo alleged in this allegation came from the hearsay evidence of Parent B. That was the sole and decisive evidence, and there was no evidence before the panel about why Parent B had not been called to give evidence, or any steps taken to secure their attendance. In these circumstances, the panel decided that it would be unfair to admit this hearsay evidence.

The panel concluded that even if it had admitted the hearsay evidence of Parent B, that evidence would not have carried sufficient weight to prove this allegation. Without having an opportunity to test the evidence, the panel would not have been satisfied to the required standard.

The panel went on to consider whether the comments that Ms Larter accepted making amounted to words to the effect of the comment quoted in the allegation. It concluded that they did not. While Ms Larter accepted making comments about the pupil's appearance, she denied making any comment amounting to a sexual innuendo. The

panel considered that sexual innuendo was the key element alleged in this allegation, and in the absence of any admissible evidence, it concluded that this allegation was not proved.

### **3. In doing so at allegation 1b, 1c and 2 you caused one or more pupils distress**

The panel found allegations 1b, 1c and 2 not proved. It follows that allegation 3 is not proved insofar as it relates to those allegations.

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

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice” (updated February 2022).

The panel was satisfied that the conduct of Ms Larter, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Larter 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
- 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 Ms Larter amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, for the following reasons:

- She was an experienced teacher and was up to date with her safeguarding training. She should therefore have recognised how inappropriate the discussion

was, and have been able to deal with pupil questions in a different way which did not put them at risk of emotional harm.

- The panel has found that by her conduct, she did cause emotional harm and/or distress to a number of her pupils on this occasion.

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

The panel found that on this occasion, Ms Larter's actions constituted conduct that may bring the profession into disrepute. It noted the evidence that a parent was sufficiently concerned to raise matters with the School, and concluded that the concerns would likely be shared by a reasonable body of people within the population at large.

Having found the facts of allegations 1a and 3 (insofar as it related to allegation 1a) proved, the panel further found Ms Larter'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/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. 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 a 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 potentially relevant in this case, namely, the protection 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.

In the light of the panel's findings against Ms Larter, which involved emotional harm to pupils on one occasion, there was a strong public interest consideration in the protection of pupils.

The panel considered that key to this aspect of the public interest was the seriousness of the conduct and harm caused, and the risk of repetition.

The panel considered that, while the conduct was serious enough to amount to unacceptable professional conduct and conduct that may bring the profession into disrepute, it was at the lower end of the spectrum of seriousness, given that:

- The conduct took place only once, in one class.
- It took place in the context of a school which was described in evidence as having a "relaxed" attitude towards the pupils, with teachers displaying some "bad habits".
- Ms Larter had not intended to cause harm to the pupils. The panel concluded that she was well-meaning, but she made a significant misjudgement in the approach that she took on this one occasion.
- The panel considered that any emotional harm to pupils is serious. Without seeking to undermine that view, the panel did consider it appropriate to have regard to the depth of harm caused on this one occasion. A number of pupils were affected, and reported feeling upset, scared, anxious and distressed over a period of some weeks in 2017. There was no evidence of any longer term or deeper seated impact on the pupils. [redacted] gave evidence that the School's pastoral team was available to provide additional support to any pupil who needed it, but given the passage of time, [redacted] could not remember if anyone had accessed this support.

The panel considered the risk of future harm very carefully. In doing so, it had regard to:

- The absence of any evidence about any previous issues. Ms Larter had worked as a teacher at the School from September 2000.
- Positive evidence from [redacted] about Ms Larter. [redacted] described Ms Larter as a caring teacher who was sympathetic to pupils, and to whom they could speak.
- Evidence from the School's investigation that Ms Larter had accepted that the conduct took place, and demonstrated a degree of reflection, remorse and insight. She recognised that she had gone too far in describing the use of the bottle, and said that she would never use that example again. She had said that when she received the evidence from the School's investigation, she recognised that there was an issue.

The panel did not conclude that Ms Larter had demonstrated full insight and remediation. She had not provided the panel with any further information about her attitude towards the proven conduct, nor did she appear before the panel to give evidence, citing reasons

relating to her [redacted]. The panel had no reason to consider that she was deliberately seeking to avoid or frustrate the process. But her non-attendance did mean that the panel was unable to fully test her current level of insight and remediation. Notwithstanding this, in light of the information it did have, and for all the reasons already set out, the panel concluded that the risk of future harm was low.

The panel concluded that her conduct may bring the profession into disrepute, which brings the risk of undermining public confidence in the profession. But the panel also considered that the public would be most concerned with ensuring that any future risk of harm was adequately addressed.

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 Ms Larter was outside that which could reasonably be tolerated.

The panel also decided that there was a strong public interest consideration in retaining the teacher in the profession (should she wish to continue), since no doubt had been cast upon her abilities as an educator.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Larter.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Larter. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were potentially 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 well-being of pupils, and particularly where there is a continuing risk;

For the reasons already set out, the panel considered that Ms Larter's departure from the Teachers' Standards was serious enough to amount to unacceptable professional conduct, but that it was at the lower end of the spectrum of such conduct. The panel also concluded that while the misconduct did affect the well-being of pupils, it was confined to a period of some weeks in 2017, and any continuing risk was low.

The panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's findings, the panel concluded that:

- While Ms Larter had not acted under duress, she had not deliberately set out to cause harm.
- In the absence of any evidence to the contrary, Ms Larter had a previously good record. She had not been the subject of any previous findings.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. Publication would also be sufficient to manage any residual risk, in that it would leave Ms Larter, and any future employer, in absolutely no doubt that her conduct had been unacceptable. Given the level of insight already shown by Ms Larter, the panel does not consider that she is likely to repeat the conduct having received an unequivocal finding to this effect.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found 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. I have therefore put those matters entirely from my mind.

The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Ms Larter 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
- 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 also, "satisfied that the conduct of Ms Larter amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession".

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct 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 Ms Larter, 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, "The panel has found that by her conduct, she did cause emotional harm and/or distress to a number of her pupils on this occasion." 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 sets out as follows, "Given the level of insight already shown by Ms Larter, the panel does not consider that she is likely to repeat the conduct." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel 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, "found that on this occasion, Ms Larter's actions constituted conduct that may bring the profession into disrepute. It noted the evidence that a parent was sufficiently concerned to raise matters with the School, and concluded that the concerns would likely be shared by a reasonable body of people within the population at large."

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, 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. In this case I agree with the panel.

I have also considered the impact of a prohibition order on Ms Larter. A prohibition order would prevent Ms Larter from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments, "The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession."

For these reasons, I have also concluded that a prohibition order is not proportionate or in the public interest.



**Decision maker: Alan Meyrick**

**Date: 12 May 2022**

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