



Teaching
Regulation
Agency

Mr Joshua Larcombe: Professional conduct panel meeting outcome

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

October 2022

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

Teacher:	Mr Joshua Larcombe
Teacher ref number:	1062031
Teacher date of birth:	20 February 1988
TRA reference:	18209
Date of determination:	3 October 2022
Former employer:	Devonport High School for Girls, Devon

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 3 October 2022 by way of a virtual meeting, to consider the case of Mr Joshua Larcombe.

The panel members were Mr Martyn Stephens (lay panellist – in the chair), Ms Bernie Whittle (teacher panellist) and Ms Bev Williams (teacher panellist).

The legal adviser to the panel was Ms Olivia Toulson of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Larcombe that the allegations be considered without a hearing. Mr Larcombe provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Laura Hoiles of Capsticks Solicitors LLP, Mr Larcombe or any representative for Mr Larcombe.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 7 September 2022.

It was alleged that Mr Larcombe was guilty of having been convicted of a relevant offence, in that

1. On 20 August 2021 at Plymouth Crown Court, he was convicted of:
 - a) voyeurism;
 - b) causing or inciting a child to engage in sexual activity by a person in a position of trust; and
 - c) 3 counts of making indecent photographs of a child.

Mr Larcombe admitted the facts of allegations 1(a) to 1(c) and that his behaviour amounted to a conviction of a relevant offence falling short of the standards of behaviour expected of a teacher, as set out in the response to the notice of referral dated 3 March 2022 and in the statement of agreed facts signed by Mr Larcombe on 21 April 2022.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology, identification key and list of key people – pages 1 to 6

- Section 2: Notice of referral, response and notice of meeting – pages 7 to 23
- Section 3: Statement of agreed facts and presenting officer representations – pages 25 to 28
- Section 4: Teaching Regulation Agency documents – pages 29 to 265
- Section 5: Teacher documents – pages 266 to 270
- Section 6: Other material – none provided

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Larcombe on 21 April 2022.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Larcombe for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Larcombe commenced his role as a teacher of science at Devonport High School for Girls ('the School') on 1 September 2016.

The School were contacted by the parent of Pupil X on 25 February 2019, raising concerns regarding Mr Larcombe's conduct towards Pupil X.

On 28 February 2019, Mr Larcombe was arrested by the police in relation to the offences of "*2x cause/incite sexual activity with female 13-17 offender 18 or over abuse of position of trust (S17 Sexual Offences Act 2003)*".

On 4 March 2019, the police notified the TRA of Mr Larcombe's arrest and the police investigation.

The School concluded their internal disciplinary investigation on 22 May 2019. Mr Larcombe resigned from his position at the School on 28 May 2019.

The School referred the matter to the TRA on 18 July 2019.

Mr Larcombe was convicted at Plymouth Crown Court on 20 August 2021. He was convicted of “*voyeurism, causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child*”.

In relation to the offence of “*voyeurism*”, Mr Larcombe took images of a [REDACTED] the victim of the offence, whilst she was showering without her knowledge or consent. He retained these images for a significant period of time.

In relation to the offence of “*causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child*” Mr Larcombe was convicted of three counts of making an indecent photograph or pseudo-photograph of children, contrary to the Protection of Children Act 1978 s1(a), and causing or inciting sexual activity with a female aged 13-17 offender being 18 or over and in an abuse of a position of trust, contrary to the Sexual Offences Act 2003 s17(1)(e)(i). Pupil X was 17 years old at the time Mr Larcombe began a period of online communication, between around 26 December 2018 to 28 February 2019, which became sexual in nature. Mr Larcombe incited Pupil X to expose her breasts to him and he also exposed his penis to Pupil X and retained images of the same.

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:

1. On 20 August 2021 at Plymouth Crown Court, you were convicted of:

- a) voyeurism;**
- b) causing or inciting a child to engage in sexual activity by a person in a position of trust; and**
- c) 3 counts of making indecent photographs of a child.**

The panel considered the statement of agreed facts signed by Mr Larcombe on 21 April 2022. In that statement of agreed facts, Mr Larcombe admitted the particulars of allegations 1(a), 1(b) and 1(c). Further, it was admitted that the facts of the allegations amounted to a conviction of a relevant offence.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers (‘the Advice’) which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional

circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Plymouth Crown Court, which detailed that Mr Larcombe had been convicted of voyeurism, causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child.

In respect of the allegations, Mr Larcombe was sentenced at Plymouth Crown Court to 12 months imprisonment, suspended for two years, with 300 hours unpaid work and was placed on the sex offenders register for 10 years.

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1(a), 1(b) and 1(c) were proven.

Findings as to conviction of a relevant offence

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Larcombe, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Larcombe 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 considered that Mr Larcombe's conduct was of the utmost seriousness and incompatible with the standards of behaviour expected of any member of the public, let alone a teacher who is placed in a position of trust with children.

In relation to allegation 1(a), the panel noted that Mr Larcombe's actions occurred outside of the education setting, in that the incident did not occur at school and did not involve pupils or colleagues at the school. However, the panel believed Mr Larcombe's actions were relevant to teaching, working with children and/or working in an education setting particularly as this type of behaviour sets a bad example to pupils and could lead to them being negatively influenced by it.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public. In particular, in [REDACTED] sentencing remarks, he noted that the victim was left "*humiliated*", "*violated*" and was now paranoid about using the bathroom and showering at home.

Allegations 1(b) and 1(c), however, were within the education setting and involved [REDACTED] (Pupil X) that Mr Larcombe was [REDACTED]. In his sentencing remarks, [REDACTED] stated that "*your involvement with her went way beyond what was necessary or appropriate, even without the sexual element*". The communication with Pupil X was instigated by Mr Larcombe and, as noted by [REDACTED] "*then took a sexual turn, with you inciting her to expose her breasts to you...and you exposing your penis to her*". Mr Larcombe then retained these images.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that the behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community. The panel noted that Mr Larcombe's behaviour was at times deceitful, in that he set up an online Facebook profile under a false name (with the same initials) which he used to contact Pupil X and he also contacted Pupil X's father to try to make contact with her under the false pretence that he was providing extra physics tuition. The panel noted Mr Larcombe persisted in communicating with Pupil X despite the fact they tried to "*step away*".

The panel noted that Mr Larcombe's behaviour ultimately led to a sentence of imprisonment that was suspended, which was indicative of the seriousness of the offences committed. He was also placed on the Sex Offenders register for 10 years.

This was a case involving an offence of sexual activity; any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents; and voyeurism which the Advice states is more likely to be considered a relevant offence.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Larcombe's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Such convictions plainly bring the profession into disrepute. The panel also considered that a conviction of this type of relevant offence plainly amounts to unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 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 and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Larcombe, which involved a conviction for voyeurism, causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Larcombe were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding 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 Mr Larcombe.

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 Mr Larcombe. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- violating of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel noted that there was no evidence that Mr Larcombe's actions were not deliberate.

There was no evidence to suggest that Mr Larcombe was acting under extreme duress, and, in fact, the panel found Mr Larcombe's actions to be calculated and deliberate. Whilst the panel noted that Mr Larcombe had since explained that he was [REDACTED] when the events occurred, it noted that this was insufficient to amount to extreme duress.

The panel noted the sentencing remarks submitted as part of the bundle. The Judge noted that the pre-sentencing report stated that Mr Larcombe had a history of [REDACTED]. Further, the Judge submitted that Mr Larcombe had been assessed as being unlikely to reoffend and that he did not pose a significant risk of serious harm to anyone. In an email to the TRA dated 3 March 2022, [REDACTED]. Mr Larcombe expressed that he had no desire to re-enter the teaching profession. The panel did not however consider that any of this was sufficient mitigation for Mr Larcombe's actions.

No evidence was submitted which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Larcombe had contributed significantly to the education sector.

Further, no evidence was submitted that showed Mr Larcombe had shown insight or remorse for his actions. Indeed the panel noted the bundle contained evidence that before these incidents occurred, Mr Larcombe had been provided with advice from colleagues regarding his relationships with pupils which he had clearly not taken on board.

In addition, Mr Larcombe had sent an email to the TRA on 22 March 2022 in which he explained how these events had impacted him, saying that they had [REDACTED] and that he had "*lost everything*" without any recognition of the impact his actions had on his victims or demonstrating that he understood the seriousness of them.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Larcombe 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 Larcombe. The seriousness of the offences and the lack of insight and/or remorse for his actions 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Larcombe was convicted for voyeurism, causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not believe any of these behaviours were proved.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Joshua Larcombe should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Larcombe 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, "considered that Mr Larcombe's conduct was of the utmost seriousness and incompatible with the standards of behaviour expected of any member of the public, let alone a teacher who is placed in a position of trust with children."

The findings of misconduct are particularly serious as they include findings of voyeurism, causing or inciting a child to engage in sexual activity and making indecent photographs of a child.

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 Mr Larcombe, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "The panel noted that Mr Larcombe's behaviour ultimately led to a sentence of imprisonment that was suspended, which was indicative of the seriousness of the offences committed. He was also placed on the Sex Offenders register for 10 years." 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, "no evidence was submitted that showed Mr Larcombe had shown insight or remorse for his actions. Indeed the panel noted the bundle contained evidence that before these incidents occurred, Mr Larcombe had been provided with advice from colleagues regarding his relationships with pupils which he had clearly not taken on board." In my judgement, the lack of 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 observe, "that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Larcombe were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the sexual nature of the findings in this case and the impact that such findings have 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, 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 Mr Larcombe himself, the panel noted, "that Mr Larcombe had since explained that he was [REDACTED] when the events occurred, it noted that this was insufficient to amount to extreme duress." The panel also observed that "No evidence was submitted which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Larcombe had contributed significantly to the education sector."

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

I have placed considerable weight on the finding of the panel that, “There was no evidence to suggest that Mr Larcombe was acting under extreme duress, and, in fact, the panel found Mr Larcombe’s actions to be calculated and deliberate.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Larcombe was convicted for voyeurism, causing or inciting a child to engage in sexual activity by a person in a position of trust and 3 counts of making indecent photographs of a child.”

I have considered whether allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious sexual nature of the findings and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Joshua Larcombe is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations

found proved against him, I have decided that Mr Larcombe shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Larcombe 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 "John Knowles". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Decision maker: John Knowles

Date: 6 October 2022

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