

## SENTENCING REMARKS

R v Rebecca Joynes

4/7/24

I must remind everyone in the court room that the complainants in this case are afforded lifelong protection of their identities under the Sexual Offences (Amendment) Act 1992. Accordingly nothing may be published that might lead to their identification by the public. Obviously that will include their names, but also the name of their school and any other matter the detail of which could lead to their identification.

I am also urge all those reporting this case not to report anything unnecessary about the child of D and Boy B, including the sex of the child.

Rebecca Joynes you are here to be sentenced for 4 counts of sexual activity with a child and two counts of sexual activity with a child in breach of trust.

In considering this sentence I have had regard to:  
Definitive Guidelines on sexual activity with children and sexual activity in breach of trust.

Guidelines on:

General guideline: overarching principles  
Imposition of community and custodial sentences  
Totality

I have considered s.57 SA 2020 on the purposes of sentencing

The facts of these offences are that: you were a maths teacher at a Manchester secondary school where you started work in 2018. This was your first job post-qualification. You taught children at the school between the ages of 11 and 18. During your time at the school you taught the two complainants in this case. The events of this case began in October 2021 when both boys were in Year 11, their GCSE year, and both were in your maths class.

On Monday 11/10/21, during a maths lesson, you set Boy A a challenge to guess the last digit of your mobile phone number. You must have known that he would find it very straightforward to guess your whole number, and it seems to me this was simply a ploy to provide him with your number. Indeed he did guess it and he was able then to message you. You began exchanging messages over the next few days. The few messages we have, before you switched to Snapchat and its disappearing messages, and which escaped deletion following your reset of your phone in an attempt to conceal your contact with Boy A, are not overtly sexual but they are

clearly suggestive and flirtatious. Again, it must have been absolutely clear to you that this was inappropriate contact and that it can only have indicated to him that you were interested in sexual contact with him.

You arranged to meet on Friday 15/10/21 after school. You agreed that Boy A could stay that Friday night at your flat. The jury plainly disbelieved your account that you hadn't intended Boy A to stay over and that nothing happened between you. I too disbelieve it. It is obvious to me that you had planned that Boy A could stay, you discussed this with him – he packed a bag of overnight things, and the only plausible reason for that was in anticipation of sexual activity with him.

On Friday 15/10/21 after school Boy A packed a bag and left his house, lying to his mum about where he was going. You picked him up and took him to the Trafford Centre where you accept going to the Gucci concession in Selfridges and buying Boy A a belt costing £345 – you could hardly deny this given there is CCTV of it. The footage is compelling evidence of your flirtatious body language and eye contact, and the fact of you buying a 15 year old schoolboy a £345 belt could hardly be a clearer indication of grooming behaviour – flattering him and buying him presents.

I cannot accept your account in the Pre-Sentence Report that this purchase arose because you didn't know how to say no – that is dissembling. You had positively invited him to the Trafford centre and offered to buy him a gift. Of course you intended to buy it for him. And of course you must have realised that this was a form of manipulative flattery.

You then went back to your flat where Boy A stayed the night. During his time in the flat you kissed and had sex on two separate occasions. On at least one of those occasions Boy A ejaculated and his semen was found on the bed sheets. You told him several times that "no one had better find out".

Now, you continue to deny this happened. I can only put down these denials to an unwillingness and inability to face up to your wrongdoing. It does you no favours.

The following morning you left Boy A in your flat while you went to Liverpool. In an odd turn of events you left Boy A your house key and access fob to your block of flats. This seemed wholly unnecessary since you were in the habit of leaving your front door unlocked, and that Boy A would not need a key or a fob to get out of the building. It was suggested to you in questioning that this might have been an indication to Boy A that you wished to repeat his visit and have him come and go so you could have sex again – and that could well be so. But whether or not that was the reason we will never know because over the weekend the liaison got out when Boy A told his friend and his friend's mum realised you had been lying to your mum and gossip on the grapevine went round like wildfire. The following Monday the police became involved after a tip off to ChildLine, and they visited the school to

speak to you. It was then, with the help of Boy B, who at that time was just another pupil of yours and a friend of Boy A's, that you deliberately reset your phone to wipe any evidence from it of the contact you had had with Boy A. You lied from that moment on, denying any wrongdoing and making no comment in your interviews. You were released on police bail not to have any unsupervised contact with children under 18, and you were suspended from your job pending investigations.

Notwithstanding those conditions, and the ongoing police and internal school investigations, when Boy B contacted you in November or December 2021, only weeks after being bailed by police, you began to contact him. Even if the messages were not technically in breach of bail, it was unwise in the extreme and against the entire thrust of the purpose of the conditions, to do this.

The two of you began messaging in late 2021. At this time Boy B was still 15. By their verdicts the jury have clearly accepted Boy B's account of the timeline of your relationship, and I do too. He says you first met in person at your apartment in January 2022, before his 16th birthday, when you kissed. This happened on 2 occasions and is the subject of counts 3 and 4. These unsupervised meetings were of course directly in breach of bail.

You first had sex with Boy B on 4/2/22, a week or so after Boy B's 16th birthday, a date he could recollect with certainty because it was the day of a particular Manchester United match to which he had tickets, but that he didn't attend because he went to meet you instead. You then continued to meet and have sex regularly thereafter – at least 5 times, according to count 6, before 23/6/22 when Boy B left school.

It is further not in dispute that the sexual relationship you began with Boy B illegally went on for some 18 months or so in total. It may, after Boy B's graduation from school in June 2022, have become technically legal, but it was always in breach of police bail, and it persisted through your attendances at court in relation to Boy A's allegations – which of course you continued to deny.

There is a breathtaking arrogance in your conduct in coming to court and observing the pre-recorded cross-examination of Boy A in December 22, watching him be questioned about having sex with you – something you continued to deny – and then returning home to your flat where you were meeting Boy B, aged 16, in secret to continue your sexual relationship with him.

In March 2023 you fell pregnant with Boy B's child. In June of that year your relationship ended and he reported you to police having confessed things to his parents. Once again, on the morning of your arrest, just before police arrived, you

reset your phone to factory settings, and Boy B did too, so the communications between you have also been lost.

You gave birth to the baby in January 2024. The child now lives with their father Boy B and is being brought up by him with the help of his parents. You had, up to now, supervised contact with the child 2 or 3 times per week.

From the outside it might be easy to fall into a misconception that these two boys were not victims. What 15 year old boy wouldn't want to have sex with his older attractive teacher? Surely they were up for it? How can that be a crime?

Well, Ms Joynes, there is no doubt that it is a crime, and having seen both boys give evidence I am entirely satisfied, as I believe anyone who had seen their evidence would be, that both boys were very much victims. They were obviously unworldly and vulnerable to advances from an older, attractive woman.

15 year old boys are no less susceptible to being preyed upon by older female teachers than 15 year old girls by male teachers. Equally, a female teacher is equally capable of behaving in predatory and manipulative way towards impressionable children in their care as a male teacher.

Throughout this case I was struck by the mature and considered way which both boys gave evidence, notwithstanding their youth at the time. Both instinctively (and correctly) felt that this whole thing was weird and a bit wrong. They knew it overstepped the boundaries of proper behaviour. They just didn't have the self-control or life experience to step back or to see the dangers.

In Boy A's case he described walking up the stairs to your flat and just thinking to himself in that moment this was weird. He was asked about whether he wanted to have sex with you and he candidly said "anyone in my year, at my age would", but later, and enlighteningly, he confessed that he wouldn't have done it again – one time was enough, and he confessed he didn't ejaculate during the first sexual episode because it was just too weird. It might have been a good thing in his imagination, but the reality was strange and wrong.

What he really needed was a grown up to step in and say "enough". He wanted and needed you to enforce the boundaries. As you were walking upstairs, he was in essence waiting for you to call it off – he couldn't believe that you weren't doing that. He was pushing the boundaries, as young boys do. And he expected and needed you to push back. That is what society expects and what the law requires. Instead, you encouraged him along.

In Boy B's case he now can see that you were a paedophile and indeed even accused you of this at times during your relationship – asking you to 'get with someone your own age'. He felt you were deceiving. He said "she was nice to me, but obviously she isn't a nice person to do something like this".

His Victim Personal Statement, written some time after these events, and now he is an adult, is eloquent about how he feels he was absolutely manipulated by you and drawn into a relationship he should never have engaged in by the very person, his teacher, that he should have been able to trust.

Putting one's finger on what exactly is wrong here is not immediately straightforward. In my view it is this: you were the adult, the person in control, the person who should have known better, and the person entrusted by the school and by the boys, and by their parents, of caring for and protecting their sons. Instead, you abused that position of trust and exploited your privileged role to start and continue contact for your own sexual gratification. The boys knew it was weird and wrong – it is inconceivable that you did not understand that too, yet you, the adult, failed not only to enforce the boundaries of proper conduct, but deliberately transgressed them and encouraged the boys to breach those boundaries as well.

As probation put it you turned a blind eye to, or put aside, the obvious disparities in age and in levels of maturity between you and these boys.

Boy A might well have said to his friend that he wasn't being groomed but was "loving it", but that was not the reality. He was groomed. He should never have been given that opportunity to have such sexual experiences when he was so young. In evidence his uncertainty and admission that it felt "weird" shows precisely why this conduct is illegal – children of 15 do not always know what is best and do not always do what is best. Adults in their lives, particularly those in positions of trust, are expected to set and enforce boundaries to step in and protect children – sometimes from themselves – when they do not fully appreciate the consequences and implications of their actions.

The damage caused to Boy B is enormous. He was groomed and enticed into a sexual relationship with his teacher and as a result he now has a child himself – becoming a father at the age of 17.

I do not, I cannot, say that his life is "ruined" by that – I am sure he is and can be a great father, and having a child is a wonderful thing, but there is absolutely no doubt that he would never have chosen to have a child at that age and that stage of his life, and that now, being a dad, his life will be forever different - all the plans he might have made, and all the things he might have done, altered forever by the

lifelong responsibility of being a father. Truly and forever a life changing event. And something that he can never escape or get over because, as he says "I will forever be Rebecca's victim, and forever linked to her through our child".

The offender:

You are a 30 year old woman. Prior to this you had no convictions or cautions.

I have read a Pre-Sentence Report about you and understand that you were a successful gymnast in your youth and were successful in obtaining qualifications in sports science and in teaching – you are obviously bright and able to achieve.

However, it seems you are an introvert and a timid individual. You suffered bullying at school. You have struggled with eating disorders all your life arising in part from the gymnastics and its emphasis on body shape. Your first and only long term sexual relationship with someone of your own age ended unhappily after 9 years shortly before you began your teaching job, and it seems this scarred you. You felt lonely and isolated. You were living in a big city away from your supportive family, and in particular after covid struck, that isolation was magnified. You were emotionally needy following the break up and the Pre-Sentence Report author hypothesises, and I agree, that it seems you turned to these young boys to meet your emotional needs because they were less threatening and you could be in control with them more than you could in a relationship with someone your own age.

It is not so much an attraction that you have to young boys, but rather that their youth gave them characteristics of vulnerability or availability that attracted you. You liked that they found you attractive and that they looked up to you. You felt buoyed and boosted by their attentions – and the attention was without the usual strings or expectations that an adult relationship would have required of you. You were always in control and able to call the shots. You were the one with the car, the flat, the job, the money, the life experience.

I can accept that that might be an explanation and it might have been your motivation but it cannot excuse what you did. Your actions were deliberate and reflect a knowing disregard for proper conduct, and a wilful decision to put at risk their youth and innocence for your personal emotional needs and gratification.

I have read 2 references which speak highly of you, but they do not take the case much further. It is clear that before these offences you were a high achiever and doing well in your career, but you chose to throw that away. Of course it was your positive good character that put you in the position of teacher that enabled you to exploit these boys in your care.

I of course bear in mind that there is a baby here, who will be separated from you for some time, with knock on effects on your bonding and on the baby's relationship

with its mother. I balance that against the fact that the baby is living with the father and grandparents in a loving family. And the fact that you would not be in this position had you not acted in this way. You brought this on yourself. I will keep the sentence as short as I possibly can, and the baby's innocence is a factor in that, but ultimately I must pass the appropriate custodial terms.

#### Guidelines

Sexual activity with a child – Boy A

Counts 1 and 2 – both relate to penetration – 2 separate incidents of vaginal sexual intercourse on the same night on 15/10/21.

Harm Category 1 – penetration

Culpability A – significant degree of planning – the messages, the arrangements about him staying beforehand and then providing your key afterwards – this was all thought through.

Grooming behaviour – the guessing game about your phone number, the flirtatious messages and of course the purchase of the belt.

Abuse of trust – it must be an aggravating feature here that you were his teacher at the time and that you used your contact with him in lessons, and a confectioned game during a maths lesson, to provide him with your number and initiate the contact

Significant disparity in age – you were 27 and he was just 15 at the time.

Starting point 5 years

Range 4-10 years

The number of factors that put this in category A is something I also consider – this has already moved this case higher up the range

Aggravating features:

You took steps to conceal your offending by deliberately deleting the content of your phone when you knew police wanted to interview you

Mitigating features:

No previous convictions.

Prospects of work etc.

All that I have heard and read about you – but it is notable by its absence that the Pre-Sentence Report has not reflected any insight – you continue to deny the offences. You have been silent even as to recognising or discussing the impact of what you have done.

I do accept this was a one-off – one night only and not repeated. I will certainly run the sentences on both counts concurrently, but I don't think the fact this only happened on one occasion is a mitigating feature, but rather the absence of an aggravating feature. The GL represents the SP and range for a single offence.

No reduction for plea.

Were I sentencing for the offences against Boy A alone I think the appropriate sentence would have been 6 years on each concurrent

Sexual activity with a child – Boy B

Counts 3 and 4 – these are 2 counts of kissing, on two separate occasions when Boy B was 15 and still a pupil at school.

Category 3 harm because of the nature of the activity – kissing.

Culpability A – planning – arrangements to meet in secret.

Grooming behaviour – you sought out and cultivated a friendship with Boy B through messages over time – it was not as overt as buying a £345 belt, but still present.

Abuse of trust – you were still a teacher and you had come into contact with him as his teacher and it was that contact that gave you the “in” to cultivate the relationship.

Disparity in age.

Starting point 26 weeks

Range High Level Community Order – 3 years

Aggravating features:

You were on bail – that is a very significant and serious aggravating feature. You had been suspended from your job and were under both internal school and police investigation for almost identical activity with Boy A, yet you chose to ignore bail conditions and cultivate this relationship with Boy B in secret.

Period of offending – it was over weeks and months that you continued to cultivate your relationship with Boy B.

Mitigating features:

All the factors I have identified and all I know about you.

No credit for plea.

Appropriate sentence on these counts is 12 months concurrent on each

I will address how this sentence fits in with the other sentences in due course

Sexual activity in breach of trust

Counts 5 and 6

Count 5 is a specific occasion when Boy B came to your flat on a day that Man Utd were playing.

Count 6 is a multiple incident count – sex on at least 5 occasions in the months afterwards.

It is of course clear that the relationship continued for around 18 months – it went on after Boy B had turned 16 and left school, and after you had been dismissed from your job. From that point the relationship between you was technically legal, although certainly morally dubious. The relationship led, as we know, to you becoming pregnant with a child who is now a few months old and who lives with the father and his parents. Boy B was just 16 when you told him he was going to be a father.

I am sentencing you for the relationship that was illegal – i.e the relationship that pre-dated Boy B leaving school and you being dismissed. But it must be right that I take into account the later stages of the relationship as some aggravation – had you not sought him out when he was your pupil, underage and impressionable and no doubt excited by the thought of a relationship with an older and attractive teacher, he would not have been drawn into a difficult, secret, at times toxic, and ultimately life-changing relationship with you, resulting in him becoming a father when he was still a child himself.

These offences have a maximum sentence of 5 years

Harm – Category 1 – penetration offences  
Culpability A – planning  
Grooming behaviour

Starting point 18 months  
Range 1-2 years

That is of course the starting point and range for one single incident. Here we have 2 counts, and the second count encompasses at least 5 separate occasions – there are multiple incidents – and that must increase the sentence within the range or even above the range. Boy B described how he would go to see you almost every chance he got, lying and making excuses to his parents to do so.

Aggravating features:

You were on bail – as I said before this is a very significant aggravating feature – you showed breathtaking gall in deliberately and knowingly breaching police bail conditions in this way, with almost identical offending behaviour as that you were on bail for, and that you involved Boy B in your deceit.

Pregnancy as a result – the actual conception may have taken place outside the indictment period, but Boy B would not have been in that position had you not instigated the, initially illegal, relationship with him. The pregnancy, because of its

timing, does not aggravate this offence to the extent it would have done had conception taken place when you were still his teacher, but it is still some aggravation. I rely in this regard on the case of *Caldwell* 2016 EWCA Crim 1556. In that case the criminal sexual activity was 3A behaviour, but was appropriately aggravated by the judge to take account of the serious adverse effect on V, notwithstanding that some of the adverse effect also flowed from the subsequent lawful sexual relationship between D and V.

Steps taken to conceal offence – you encouraged Boy B to lie to his parents about where he was and who he was seeing in order to cover up the relationship which you knew was inappropriate and unlawful. You even discussed that, although you were suspended, you were still technically his teacher and therefore you fully recognised the illegality.

You deliberately deleted all information from your phone to disguise and conceal the detail of your contact with Boy B – again you showed astonishing arrogance in keeping the police waiting at your door when they arrived to arrest you because you were in the process of resetting your phone to factory settings.

The duration of the relationship is an aggravating feature – it went on for 18m in total. Again, although I accept the illegal period is only some 6 months, the full relationship had its seeds in the initial illegal contact.

Mitigating features:

All the features I have previously identified.

The number and gravity of the aggravating features in this case justify further increasing the sentence above the category range. It was already at the top or above the range given the number of incidents. I have in mind that the maximum sentence is 5y and the top of the range is only 2 years – that 3y gap is clearly there to allow flexibility to sentence more harshly those cases which deserve it – this is a case which deserves it.

No reduction for plea.

Were I sentencing these offences alone I would have imposed a sentence of 3.5 years on each concurrent to one another.

**Totality**

The principle of totality requires me to reach a total sentence which appropriately and proportionately reflects the criminality overall.

I have identified what sentences I would have passed had I been sentencing each of these offences alone. That should be an indication to the victims and their families, to the defendant, and to everyone else, how seriously I view this offending and each of those offences.

However, the total sentence I pass will require a downward adjustment from simply totting up the sentences I have passed, to reach a proportionate overall sentence and balancing all the mitigating features I have identified – not least the impact on the baby.

With that in mind the final sentence I pass will be as follows:

4 years on counts 1 and 2, the sexual activity with Boy A, concurrent on each count.

12 months on counts 3 and 4, the sexual activity, kissing, with Boy B, concurrent on each count but consecutive to the Boy A counts.

2.5 years on counts 5 and 6, the sexual activity in breach of trust, with Boy B, concurrent on each other, concurrent to the other Boy B counts, and consecutive to the Boy A counts.

Total of 6.5 years.

The effect of this sentence is:

You will go to prison today for 6.5 years. You will serve one half of that sentence in prison. You will then be released on licence. If you commit any further offences during that period of licence you may be recalled to prison to serve the remainder of any sentence as well as being sentenced for the new offence.

The 116 days on qualifying curfew will count towards sentence, as will the remand time.

Restraining Order made in the revised terms requested – until further order.

Sexual Harm Prevention Order in the adjusted terms -

To change "person" to "boy",

To include "unsupervised" contact in provision 1,

To include in provision 2 a clause that you may be on group Whatsapp or other group communication if you seek and receive the prior authority of your OM.

Clause 3 will remain as drafted – that is appropriate.

That will be for a period of 10 years.

Surcharge.

Notification for life.