



# Education Act 1994

## 1994 CHAPTER 30

### PART I

#### TEACHER TRAINING

##### *Supplementary provisions*

#### **12 Power of schools to provide courses of initial teacher training.**

- (1) The governing body of any county, voluntary or maintained special school, or of any grant-maintained school, may—
  - (a) provide courses of initial training for school teachers, or
  - (b) join in a partnership or association with other eligible institutions, or (alone or jointly with other eligible institutions) establish a body, for the purpose of providing such courses.
- (2) Courses of initial teacher training so provided shall be open only to persons holding a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution.

For this purpose—

- (a) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom; and
  - (b) a “foreign institution” means any institution other than a United Kingdom institution.
- (3) In relation to an exercise of the powers conferred by subsection (1), the governing body shall have all the same supplementary and incidental powers as it has in relation to the conduct of the school.
  - (4) The above provisions have effect notwithstanding any provisions of the instrument of government or articles of government for the school.

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- (5) For the purposes of [F1]section 35, 41 or 259 of the Education Act 1996] (procedure in case of certain proposals for alteration of school) an exercise of the powers conferred by this section, or ceasing to exercise them, shall not be treated as involving a significant change in the character of the school.
- (6) Any exercise by the governing body of a school of the powers conferred by this section shall not be treated, for the purposes of—
- (a) [F2]sections 101 to 123 of the Education Act 1996] (financing of schools maintained by local education authorities), or
  - (b) [F3]Chapter VI of Part III of that Act] (funding of grant-maintained schools), as being undertaken for the purposes of the school.
- (7) Nothing in this section shall be construed as affecting the power of the governing body of a school, as an ordinary incident of the conduct of the school—
- (a) to provide training for persons employed as teachers at the school, or
  - (b) to participate in the provision of teacher training as part of a course provided by another institution.

#### Textual Amendments

- F1** Words in s. 12(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 127(2)** (with ss. 1(4), 561, 562, Sch. 39).
- F2** Words in s. 12(6)(a) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 127(3)(a)** (with ss. 1(4), 561, 562, Sch. 39).
- F3** Words in s. 12(6)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 127(3)(b)** (with ss. 1(4), 561, 562, Sch. 39).

#### Modifications etc. (not altering text)

- C1** S. 12 extended (21.9.1994) by S.I. 1994/2247, **art. 2**.  
S. 12 explained (1.11.1996) by 1996 c. 56, **ss. 177(1), 583(2)** (with ss. 1(4), 561, 562, Sch. 39).  
S. 12 explained (1.11.1996) by 1996 c. 56, **ss. 294(1), 583(2)** (with ss. 1(4), 561, 562, Sch. 39).

### 13 Grants for teacher training.

- (1) Section 50 of the <sup>M1</sup>Education (No.2) Act 1986 (grants for teacher training, &c.) is amended as follows.
- (2) In subsection (1) (power of Secretary of State to make provision for payment of grants), omit “by him”.
- (3) In subsection (3)(b)—
- (a) omit “by the Secretary of State” in the first place where it occurs; and
  - (b) for “by the Secretary of State” in the second place where it occurs substitute “in accordance with the regulations”.
- (4) After subsection (3) insert—
- “(3A) Grants shall be payable in accordance with the regulations by the Secretary of State or, in the case of grants to facilitate and encourage the training of teachers, by the Teacher Training Agency or the Secretary of State according as the regulations may provide.”.

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- (5) Until the coming into force of the first regulations made under section 50 as amended by this section, the <sup>M2</sup>Education (Bursaries for Teacher Training) Regulations 1988 shall have effect as if so made and as if references therein to the Secretary of State included the Teacher Training Agency.

#### Marginal Citations

- M1 1986 c. 61.  
M2 S.I. 1988/1397.

## 14 Qualification of teachers, &c.

- (1) In section 218 of the <sup>M3</sup>Education Reform Act 1988 (regulations as to qualification of teachers, &c.), after subsection (2) (meaning of “qualified teacher”) insert—

“(2A) Regulations under subsection (2)(a) above may make provision—

- (a) by reference to the successful completion of a course of initial training for teachers in schools at an accredited institution; and
- (b) conferring on the Teacher Training Agency or the Higher Education Funding Council for Wales such functions in relation to accreditation or otherwise as may be prescribed.”.

- (2) In paragraph 2 of Schedule 3 to the <sup>M4</sup>Education (Teachers) Regulations 1993 (persons who are qualified teachers), after sub-paragraph (1) insert—

“(1A) The person—

- (a) holds a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution, and
- (b) has successfully completed a course of initial training for teachers in schools at an accredited institution in England or Wales.

For the purposes of this sub-paragraph—

- (a) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom;
- (b) a “foreign institution” means any institution other than a United Kingdom institution; and
- (c) an “accredited institution” means an institution accredited by the Teacher Training Agency or, in Wales, by the Higher Education Funding Council for Wales as a provider of courses satisfying such criteria as may from time to time be specified by the Secretary of State.”. The above amendment shall not be taken as prejudicing the power to make further regulations revoking or amending the provision inserted.

- (3) In section 218(3) of the <sup>M5</sup>Education Reform Act 1988 (power to provide for exceptions to requirement that only qualified teachers be employed), for “persons licensed to teach by the Secretary of State” substitute “ persons licensed or otherwise authorised to teach by the Secretary of State or the Teacher Training Agency ”.

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- (4) In section 232(6) of that Act (power to make different provision for Wales), in the list of provisions to which the power does not apply, omit the reference to section 218(1) (a) (requirement that only qualified teachers be employed).

#### Marginal Citations

- M3 1988 c. 40.  
M4 S.I. 1993/543.  
M5 1988 c. 40.

### 15 Duty to provide information, &c.

- (1) The Teacher Training Agency—
- (a) shall provide the Secretary of State (in such manner as he may from time to time determine) with such information or advice relating to matters for which they are responsible as he may from time to time require, and
  - (b) may provide the Secretary of State with such information or advice relating to such matters as they think fit.
- (2) The Teacher Training Agency and the Higher Education Funding Council for Wales shall give each other such information as they may require for the purposes of the exercise of their functions under this Part.
- (3) The following shall give the Teacher Training Agency or the Higher Education Funding Council for Wales such information as they may require for the purpose of the exercise of their functions under this Part—
- (a) the governing body of any institution receiving, or which has received or applied for, any grant, loan or other payment under this Part;
  - (b) any local education authority.

### 16 Additional, supplementary and ancillary functions.

- (1) The Secretary of State may by order confer or impose on the Teacher Training Agency such additional functions as he considers they may appropriately discharge having regard to their general objectives.
- (2) The Secretary of State may by order confer or impose on the Higher Education Funding Council for Wales such functions supplementary to their functions as a funding agency as he thinks fit.

For the purposes of this subsection a function is a supplementary function in relation to the Council if it is exercisable for the purposes of—

- (a) the exercise by the Secretary of State of functions of his under any enactment, or
- (b) the doing by the Secretary of State of anything he has power to do apart from any enactment,

and it relates to, or to the activities of, an eligible institution.

- (3) Before making an order under subsection (1) or (2) the Secretary of State shall carry out such consultation as appears to him to be appropriate.

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- (4) The Teacher Training Agency and the Higher Education Funding Council for Wales shall carry out such activities ancillary to their functions under this Part as the Secretary of State may direct.

**17 The Teaching as a Career Unit: transfer of property and staff.**

The Secretary of State may by order provide for the transfer to the Teacher Training Agency of the property, rights and liabilities (including rights and liabilities arising under contracts of employment) of the Teaching as a Career Unit.

**18 Power to reimburse certain payments to persons formerly employed in teacher training.**

- (1) A higher education funding council may make payments, subject to such terms and conditions as they think fit, to—
- (a) the governing body of a grant-maintained school or grant-maintained special school, or
  - (b) a further education corporation or the governing body of any institution designated under section 28 of the <sup>M6</sup>Further and Higher Education Act 1992,
- in respect of expenditure incurred or to be incurred by that body in making safeguarded salary payments to which this section applies.
- (2) This section applies to payments made to a person who in consequence of a direction given by the Secretary of State under—
- (a) regulation 3(2) of the <sup>M7</sup>Further Education Regulations 1975,
  - (b) regulation 15 of the <sup>M8</sup>Education (Schools and Further Education) Regulations 1981, being a direction relating to a course for the training of teachers, or
  - (c) regulation 16 of those Regulations,
- ceased before 1st April 1989 to be employed in a college for the training of teachers, or in a department for the training of teachers in any other establishment of further education.
- (3) The amount of the safeguarded salary payment is the amount by which, in consequence of the matters mentioned in subsection (2), a person's salary exceeds that which would normally be appropriate to the post held by him.
- (4) A body to which subsection (1)(a) or (b) applies shall give to a higher education funding council such information as the council may require for the purposes of the exercise of their power under that subsection.

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**Marginal Citations**

- M6** 1992 c. 13.  
**M7** S.I. 1975/1092.  
**M8** S.I. 1981/1086.

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VALID FROM 01/10/1998

**[18A F<sup>4</sup>Inspection of institutions training teachers for schools.**

- (1) The Chief Inspector may inspect and report on—
  - (a) any initial training of teachers, or of specialist teaching assistants, for schools, or
  - (b) any in-service training of such teachers or assistants, which is provided by a relevant institution.
- (2) When asked to do so by the Secretary of State, the Chief Inspector shall—
  - (a) give advice to the Secretary of State on such matters connected with training falling within subsection (1)(a) or (b) as may be specified in the Secretary of State's request;
  - (b) inspect and report on such one or more relevant institutions as may be so specified.
- (3) The Chief Inspector may at any time give advice to—
  - (a) the Secretary of State,
  - (b) a funding agency,
  - (c) the General Teaching Council for England, or
  - (d) the General Teaching Council for Wales,
 on any matter connected with training falling within subsection (1)(a) or (b).
- (4) The Chief Inspector may—
  - (a) make such reports of inspections carried out by him under this section as he considers appropriate, and
  - (b) arrange for any such report to be published in such manner as he considers appropriate,
 and section 42A(2) to (4) of the <sup>M9</sup>School Inspections Act 1996 (publication of inspection reports) shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).
- (5) When inspecting a relevant institution under this section, the Chief Inspector shall have at all reasonable times—
  - (a) a right of entry to the premises of the institution, and
  - (b) a right to inspect, and take copies of, any records kept by the institution, and any other documents containing information relating to the institution, which he considers relevant to the exercise of his functions under this section;
 and section 42 of the School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.
- (6) Without prejudice to subsection (5), a relevant institution to which an inspection under this section relates—
  - (a) shall give the Chief Inspector all assistance in connection with the exercise of his functions under this section which it is reasonably able to give; and
  - (b) shall secure that all such assistance is also given by persons who work for the institution.

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- (7) The Chief Inspector shall not carry out any inspection under subsection (1) unless—
- (a) at least eight weeks previously, he has given notice of his intention to carry out the inspection—
    - (i) to the relevant institution concerned, or
    - (ii) where that institution is a partnership or association of eligible institutions, to one of those institutions; or
  - (b) with the agreement of that institution or (as the case may be) one of those institutions, he has given it shorter notice of that intention.
- (8) Any notice under subsection (7)—
- (a) shall be given in writing, and
  - (b) may be sent by post;
- and any such notice may (without prejudice to any other lawful method of giving it) be addressed to an institution at any address which the institution has notified to a funding agency as its address.
- (9) Nothing in this section confers any right or imposes any duty, whether as regards the carrying out of any inspection or otherwise, in relation to any course which consists of instruction given wholly or mainly for purposes other than training falling within subsection (1)(a) or (b).
- (10) In this section—
- (a) “the Chief Inspector” means—
    - (i) in relation to England, Her Majesty’s Chief Inspector of Schools in England, and
    - (ii) in relation to Wales, Her Majesty’s Chief Inspector of Schools in Wales;
  - (b) “relevant institution” means—
    - (i) any eligible institution, or
    - (ii) any other institution, body or person designated by the Secretary of State as being in receipt of public funding in respect of the provision of training falling within subsection (1)(a) or (b);
  - (c) “in-service training” includes any training provided to a teacher serving an induction period (within the meaning of section 19 of the Teaching and Higher Education Act 1998); and
  - (d) “document” and “records” each include information recorded in any form.
- (11) Any reference in this section to the Chief Inspector shall be read, in relation to any inspection which he is authorised or required to carry out under this section, as including a reference to any person authorised to act on his behalf under subparagraph (1) or (2) of paragraph 5 of Schedule 1 to the <sup>M10</sup>School Inspections Act 1996.
- (12) Nothing in this section shall be taken as prejudicing the generality of section 2 or 5 of that Act or of paragraph 5(1) or (2) of Schedule 1 to that Act.]

#### Textual Amendments

**F4** S. 18A inserted (1.10.1998) by 1998 c. 30, s.20 (with s. 42(8)); S.I. 1998/2215, art.2.



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### Marginal Citations

**M9** 1996 c. 57.

**M10** 1996 c. 57.

## 19 Interpretation.

### (1) In this Part—

“denominational character”, in relation to an institution, shall be construed in accordance with subsection (2) below;

“eligible institution” has the meaning given by section 4(2);

“funding agency” has the meaning given by section 3(1);

“governing body”—

(a) in relation to an institution conducted by a company, shall be construed in accordance with any order under section 4(3), and

(b) in relation to a nursery school maintained by a local education authority, shall be construed in accordance with section 4(4);

“qualifying activities” has the meaning given by section 4(1);

“special educational needs” shall be construed in accordance with subsection (3) below; and

“training”, in relation to teachers, shall be construed in accordance with subsection (4) below.

### (2) For the purposes of this Part an institution is of a denominational character if—

(a) at least one quarter of the members of the governing body of the institution, or in the case of a school at least one-fifth, are persons appointed to represent the interests of a religion or religious denomination, or

(b) any of the property held for the purposes of the institution is held upon trusts which provide that, in the event of the discontinuance of the institution, the property concerned shall be held for, or sold and the proceeds of sale applied for, the benefit of a religion or religious denomination, or

(c) any of the property held for the purposes of the institution is held on trust for or in connection with—

(i) the provision of education, or

(ii) the conduct of an educational institution,

in accordance with the tenets of a religion or religious denomination.

### (3) For the purposes of this Part persons with special educational needs are—

(a) children with special educational needs as defined in [F5section 312 of the Education Act 1996], or

(b) persons (other than children within the meaning of that section) who—

(i) have a significantly greater difficulty in learning than the majority of persons of their age, or

(ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

### (4) It is hereby declared that references in this Part (and elsewhere in the Education Acts) to training, in relation to teachers, include any training or education with the object of fitting persons to be teachers, or better teachers.



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(5) Other expressions, if used in this Part and in [<sup>F6</sup>the Education Act 1996], have the same meaning in this Part as in that Act.

.....  
**Textual Amendments**

- F5** Words in s. 19(3) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 128(a)** (with ss. 1(4), 561, 562, Sch. 39).
- F6** Words in s. 19(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 128(b)** (with ss. 1(4), 561, 562, Sch. 39).

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