

Status: Point in time view as at 19/12/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education Act 2002, Cross Heading: Misconduct etc. is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

VALID FROM 31/03/2003

Misconduct etc.

142 Prohibition from teaching, etc.

- (1) The Secretary of State, in relation to England, or the Secretary of State and the National Assembly for Wales concurrently, in relation to Wales, may direct that a person—
 - (a) may not carry out work to which this section applies;
 - (b) may carry out work to which this section applies only in circumstances specified in the direction;
 - (c) may carry out work to which this section applies only if conditions specified in the direction are satisfied.
- (2) This section applies to—
 - (a) providing education at a school,
 - (b) providing education at a further education institution,
 - (c) providing education under a contract of employment or for services where the other party to the contract is a local education authority or a person exercising a function relating to the provision of education on behalf of a local education authority, and
 - (d) taking part in the management of an independent school.
- (3) This section also applies to work of a kind which—
 - (a) brings a person regularly into contact with children, and

Status: Point in time view as at 19/12/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education Act 2002, Cross Heading: Misconduct etc. is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) is carried out at the request of or with the consent of a relevant employer (whether or not under a contract).
- (4) A direction under this section may be given in respect of a person only—
- (a) on the grounds that the person is included (otherwise than provisionally) in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (list of individuals considered unsuitable to work with children),
 - (b) on the grounds that the person is unsuitable to work with children,
 - (c) on grounds relating to the person’s misconduct,
 - (d) on grounds relating to the person’s health, or
 - (e) in the case of a direction given by virtue of subsection (2)(d), on grounds relating to the person’s professional incompetence (or on a ground mentioned in any of paragraphs (a) to (d)).
- (5) The Secretary of State, in relation to England, or the Secretary of State and the National Assembly for Wales concurrently, in relation to Wales, may by regulations prescribe the procedure for giving a direction under this section (including provision about notification of persons who are subject to directions).
- (6) The Secretary of State, in relation to England, or the Secretary of State and the National Assembly for Wales concurrently, in relation to Wales, may vary or revoke a direction under this section except in a case where—
- (a) the direction was given on the grounds that a person is unsuitable to work with children, and
 - (b) the person claims that he is no longer unsuitable to work with children.
- (7) The Secretary of State, in relation to England, or the Secretary of State and the National Assembly for Wales concurrently, in relation to Wales, may by regulations prescribe the grounds on which a person subject to a direction under this section may seek to have it varied or revoked under subsection (6).
- (8) Where a person is subject to a direction under this section, a relevant employer shall not use the person to carry out work in contravention of the direction.
- (9) In this section—
- “child” means a person who has not attained the age of 18 years,
 - “education” includes vocational, social, physical and recreational training,
 - “further education institution” has the meaning given by section 140,
 - “relevant employer” means—
- (a) local education authority,
 - (b) a person exercising a function relating to the provision of education on behalf of a local education authority,
 - (c) the proprietor of a school, or
 - (d) the governing body of a further education institution, and
- “school” includes an independent school.

Modifications etc. (not altering text)

- C1** S. 142 modified (31.3.2003 for W. and otherwise prosp.) by [Teaching and Higher Education Act 1998 \(c. 30\)](#), s. 15(4) (as substituted by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21](#) {para. 83} (with ss. 210(8), 214(4)); [S.I. 2002.3185](#), art. 5, Sch. {Pt. II}

Status: Point in time view as at 19/12/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education Act 2002, Cross Heading: Misconduct etc. is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- II** S. 142 partly in force; s. 142 not in force at Royal Assent, see s. 216; s. 142 in force for W. at 31.3.2003 by S.I. 2002/3185, art. 5, Sch. Pt. II

143 Directions under section 142: contractor, agency, etc.

- (1) A person shall not arrange for an individual who is subject to a direction under section 142 to carry out work in contravention of the direction.
- (2) If the Secretary of State thinks that a person is likely to fail to comply with the duty under this section in relation to work in England, the Secretary of State may direct the person to take or refrain from taking specified steps with a view to securing compliance with that duty.
- (3) If the National Assembly for Wales thinks that a person is likely to fail to comply with the duty under this section in relation to work in Wales, the National Assembly may direct the person to take or refrain from taking specified steps with a view to securing compliance with that duty.
- (4) A direction under subsection (2) shall be enforceable, on the application of the Secretary of State, by a mandatory order.
- (5) A direction under subsection (3) shall be enforceable, on the application of the National Assembly, by a mandatory order.

Commencement Information

- I2** S. 143 partly in force; s. 143 not in force at Royal Assent, see s. 216; s. 143 in force for W. at 31.3.2003 by S.I. 2002/3185, art. 5, Sch. Pt. II

144 Directions under section 142: appeal

- (1) A person in respect of whom a direction has been given under section 142 may appeal to the Tribunal established under section 9 of the Protection of Children Act 1999 (c. 14)—
 - (a) against the decision to give the direction;
 - (b) against a decision not to vary or revoke the direction.
- (2) In a case to which subsection (3) applies, the Tribunal may, on an application for a review of a direction under section 142, revoke the direction.
- (3) This subsection applies to a case where—
 - (a) the direction was given on the grounds that the applicant is unsuitable to work with children,
 - (b) the applicant has obtained the leave of the Tribunal to apply for a review of the direction, and
 - (c) the Tribunal is satisfied that the applicant is no longer unsuitable to work with children.
- (4) The Secretary of State, in relation to England, or the Secretary of State and the National Assembly for Wales concurrently, in relation to Wales, may by regulations—

Status: Point in time view as at 19/12/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education Act 2002, Cross Heading: Misconduct etc. is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) provide that the Tribunal may not entertain an appeal under this section in so far as the appellant's case is inconsistent with his having been convicted of an offence;
- (b) prescribe circumstances in which the Tribunal shall allow an appeal under this section;
- (c) prescribe the powers available to the Tribunal on allowing an appeal under this section;
- (d) prescribe circumstances in which the Tribunal shall grant an application for leave under this section;
- (e) prescribe circumstances in which the Tribunal shall grant an application for a review under this section;
- (f) prescribe the powers available to the Tribunal on revoking a direction.

Commencement Information

I3 S. 144 partly in force; s. 144 not in force at Royal Assent, see s. 216; s. 144 in force for W. at 31.3.2003 by S.I. 2002/3185, art. 5, **Sch. Pt. II**

Status:

Point in time view as at 19/12/2002. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Education Act 2002, Cross Heading: Misconduct etc. is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.