



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

[^{F1}Allegations of offences committed by teachers in England and Wales: reporting restrictions

[^{F1}141F Restrictions on reporting alleged offences by teachers

- (1) This section applies where a person who is employed or engaged as a teacher at a school is the subject of an allegation falling within subsection (2).
- (2) An allegation falls within this subsection if—
 - (a) it is an allegation that the person is or may be guilty of a relevant criminal offence, and
 - (b) it is made by or on behalf of a registered pupil at the school.
- (3) No matter relating to the person is to be included in any publication if it is likely to lead members of the public to identify the person as the teacher who is the subject of the allegation.
- (4) Any person may make an application to a magistrates' court for an order dispensing with the restrictions imposed by subsection (3).
- (5) The court may make an order dispensing with the restrictions, to the extent specified in the order, if it is satisfied that it is in the interests of justice to do so, having regard to the welfare of—
 - (a) the person who is the subject of the allegation, and
 - (b) the victim of the offence to which the allegation relates.
- (6) The power under subsection (5) may be exercised by a single justice.
- (7) In the case of a decision to make or refuse to make an order under subsection (5), a person mentioned in subsection (8) may, in accordance with Criminal Procedure Rules—

Status: Point in time view as at 13/04/2015. This version of this provision has been superseded.

Changes to legislation: Education Act 2002, Section 141F is up to date with all changes known to be in force on or before 09 August 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) appeal to the Crown Court against the decision, or
 - (b) appear or be represented at the hearing of such an appeal.
- (8) The persons referred to in subsection (7) are—
- (a) a person who was a party to the proceedings on the application for the order;
 - (b) any other person with the leave of the Crown Court.
- (9) On an appeal under subsection (7), the Crown Court may—
- (a) make such order as is necessary to give effect to its determination of the appeal, and
 - (b) make such incidental or consequential orders as appear to it to be just.
- (10) The restrictions in subsection (3) cease to apply once proceedings for the offence have been instituted.
- (11) The restrictions in subsection (3) also cease to apply if—
- (a) the Secretary of State publishes information about the person who is the subject of the allegation in connection with an investigation or decision under section 141B (investigation of disciplinary cases by Secretary of State) relating to the same allegation, or
 - (b) the General Teaching Council for Wales publishes information about the person who is the subject of the allegation in connection with an investigation, hearing or determination under Schedule 2 to the Teaching and Higher Education Act 1998 (investigation of disciplinary cases by the General Teaching Council for Wales) relating to the same allegation.
- (12) The restrictions in subsection (3) also cease to apply if—
- (a) the person who is the subject of the allegation includes a matter in a publication, or
 - (b) another person includes a matter in a publication with the written consent of the person who is the subject of the allegation;
- and, in either case, the inclusion of the matter in the publication would otherwise be in breach of subsection (3).
- (13) Written consent is to be ignored for the purposes of subsection (12)(b) if it is proved that any person interfered unreasonably with the peace or comfort of the person giving the consent, with intent to obtain it.
- (14) In this section—
- “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose, every relevant programme shall be taken to be so addressed), but does not include—
- (a) an indictment or other document prepared for use in particular legal proceedings, or
 - (b) a document published by the regulator of a profession of which the person who is the subject of the allegation is a member in connection with disciplinary proceedings in relation to the person;
- “relevant criminal offence”, in relation to a person employed or engaged as a teacher at a school, means an offence against the law of England and Wales where the victim of the offence is a registered pupil at the school;

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“relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

(15) For the purposes of this section, proceedings for an offence are instituted at the earliest of the following times—

- (a) when a justice of the peace issues a summons or warrant under section 1 of the Magistrates' Courts Act 1980 in respect of the offence;
- (b) when a [^{F2}relevant prosecutor] issues a written charge and requisition [^{F3}or single justice procedure notice] in respect of the offence;
- (c) when a person is charged with the offence after being taken into custody without a warrant;
- (d) when a bill of indictment is preferred by virtue of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933.]

[^{F4}(16) In subsection (15) “relevant prosecutor”, “requisition”, “single justice procedure notice” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.]

Textual Amendments

- F1** Ss. 141F-141H and cross-heading inserted (1.10.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 13(1)**, 82(3); [S.I. 2012/2213](#), art. 3
- F2** Words in s. 141F(15)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 19(2)(a)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77
- F3** Words in s. 141F(15)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 19(2)(b)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77
- F4** S. 141F(16) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 19(3)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77

Status:

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