



# Education Act 2002

## 2002 CHAPTER 32

### PART 8

#### TEACHERS

##### *Misconduct etc.*

#### **142 Prohibition from teaching, etc.**

- [<sup>F1</sup>(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 [<sup>F2</sup>local authority] or a person exercising a function relating to the provision of education on behalf of a [<sup>F2</sup>local 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
  - (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—

*Status: Point in time view as at 01/10/2013. This version of this provision has been superseded.*

*Changes to legislation: Education Act 2002, Section 142 is up to date with all changes known to be in force on or before 10 October 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) 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) [<sup>F2</sup>local authority][<sup>F3</sup>exercising an education function],
  - (b) a person exercising a function relating to the provision of education on behalf of a [<sup>F2</sup>local authority],
  - (c) the proprietor of a school, or
  - (d) the governing body of a further education institution, and
- “school” includes an independent school.]

#### Textual Amendments

- F1** Ss. 142-144 repealed (12.10.2009 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 4
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)
- F3** Words in s. 142(9)(a) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(10\)\(a\)](#)

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

- C1** S. 142 modified by 1998 c. 30, s. 15 (as inserted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 83](#) (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#); [S.I. 2003/1115](#), art. 3)

**Commencement Information**

- I1** 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](#)
- I2** S. 142 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)
- I3** S. 142 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

**Status:**

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**Changes to legislation:**

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