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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the procedure to be followed by the Secretary of State in reaching a decision as to whether to make a prohibition order in respect of a teacher under section 141B(2) of the Education Act 2002 (“the Act”). A prohibition order prohibits the person to whom it relates from carrying out teaching work. Under section 141C(1) of the Act, the Secretary of State must keep a list containing the names of persons in relation to whom a prohibition order has effect.

Where the Secretary of State considers that a teacher may be guilty of unacceptable professional conduct or conduct that may bring the teaching profession into disrepute, or may have been convicted of a relevant offence, the Secretary of State must decide whether the case should be discontinued or referred to a professional conduct panel, at which the teacher may appear and be represented (regulations 5 to 12).

The Secretary of State may make a prohibition order where a professional conduct panel finds the case against the teacher to have been proved. The panel must make a recommendation to the Secretary of State as to whether a prohibition order should be made (regulation 7(5)). The information to be included in a prohibition order is set out in regulation 13 and the order takes effect on the date on which notice of the order is served on the teacher to whom it relates. There is a right of appeal to the High Court within 28 days of the date on which notice is served (regulation 17).

The Secretary of State may also make an interim prohibition order pending a final decision if it appears necessary in the public interest to do so. Other than in relation to reviews and appeals (regulations 16 and 17), the same provisions apply to interim prohibition orders as to other prohibition orders. Under section 141C(3) of the Act, where the name of a person is included on the list under section 141C(1) because an interim prohibition order has effect there must be an indication on the list to that effect.

The Secretary of State may allow an application to be made for a prohibition order to be set aside after a specified minimum period.

Any decision made under these Regulations may take into account any failure by a teacher to comply with the personal and professional conduct standards set out in the Teachers’ Standards (regulation 4), which may be found at <http://www.education.gov.uk/>.

The Regulations also specify the information which employers and contractors must provide to the Secretary of State where they dismiss a teacher on the grounds of serious misconduct or might have done so had the teacher not already resigned.

An impact assessment has not been prepared for this instrument as no impact on businesses or civil society organisations is foreseen (other than in so far as the Regulations apply to independent schools). The impact on the public sector is minimal.