

Teacher misconduct

Part 5 of the Schools Bill broadens the regulatory scope of the Teaching Regulation Agency to investigate and prohibit individuals from working as teachers.

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Part 5 of the Schools Bill broadens the regulatory scope of the Teaching Regulation Agency to investigate and prohibit individuals from working as teachers. It is the first time these powers have been substantively amended since 2012.

Paragraph 65(2) permits the investigation of teachers who work in a wider range of settings including FE colleges and online education training providers. This is an important development and levels the playing field in terms of safeguarding children nationally who access education in other ways. The amendment also allows misconduct that has occurred at any time to be investigated in place of the current provision which has been interpreted to limit the power to only considering allegations where an individual is working as a teacher at the time of the misconduct or the referral.

Paragraph 65(4) provides further definition to the meaning of an “online education provider” to address organisations who may provide the majority of a child’s education via online provision and includes children both of compulsory school age and under the age of 19. This amendment may be seen as timely in light of the developments in the education sector during the course of the pandemic and the choice of a greater number of parents to home school children using alternative means of education.

Paragraph 65(5) resolves a lacuna in the current regulations that precludes the Department of Education (DfE) from investigating allegations where the misconduct may have been uncovered by another arms’ length body under the umbrella of the DfE. So, for example, where misuse of schools funds are identified by the ESFA, under the current powers a direct internal referral to the Teaching Regulation Agency has not been possible.

Paragraph 65(6) ensures that not only can teachers who work in the broader range of institutions set out at Paragraph 65(2) be subject to regulatory oversight, but the employers themselves subject to provide information to the Teaching Regulation Agency where such individuals are dismissed or resign in circumstances where dismissal would otherwise have been considered. This should further serve to improve the safeguarding of children and maintenance of public confidence in the profession. Similarly, the word ‘employed’ has been broadened to ‘or is engaged’ to ensure that individuals who are subject to alternative contractual arrangements do not avoid scrutiny.

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