



# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART I

#### THE TEACHING PROFESSION

#### CHAPTER I

##### THE GENERAL TEACHING COUNCILS

##### *The General Teaching Council for England*

#### **1 The General Teaching Council for England.**

- (1) There shall be a body corporate which, subject to subsection (10), shall be known as the General Teaching Council for England (in this Act referred to as “the Council”).
- (2) The principal aims of the Council in exercising their functions are—
  - (a) to contribute to improving the standards of teaching and the quality of learning, and
  - (b) to maintain and improve standards of professional conduct amongst teachers, in the interests of the public.
- (3) The functions conferred on the Council by or under this Chapter—
  - (a) are exercisable by them in relation to both England and Wales at any time before the date specified in an order under section 8(1) (establishment of General Teaching Council for Wales); and
  - (b) are exercisable by them in relation to England only at any time on or after that date.
- (4) In exercising their functions, the Council shall have regard to the requirements of persons who are disabled persons for the purposes of the <sup>M1</sup>Disability Discrimination Act 1995.

*Status: Point in time view as at 01/10/2002. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Teaching and Higher Education Act 1998, Part I is up to date with all changes known to be in force on or before 02 April 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)*

- (5) The Council shall be constituted in accordance with regulations made by the Secretary of State; and regulations under this subsection may authorise the Council to make rules with respect to such matters relating to their constitution as may be specified in the regulations.
- (6) In exercising his power to make regulations under subsection (5), the Secretary of State shall have regard to the desirability of the Council's membership reflecting the interests of—
- (a) teachers,
  - (b) employers of teachers,
  - (c) providers of teacher training,
  - (d) persons concerned with the teaching of persons with special educational needs,
  - (e) religious bodies involved in the provision of education,
  - (f) parents of pupils,
  - (g) commerce and industry, and
  - (h) the general public,
- and such other interests as in the opinion of the Secretary of State will enable the Council to carry out their functions more effectively.
- (7) Regulations under subsection (5) must be framed so as to secure that a majority of the members of the Council are registered teachers who—
- (a) either are for the time being employed or otherwise engaged to provide their services as teachers or have had such recent employment or engagement as teachers as may be prescribed; and
  - (b) satisfy such other criteria as to eligibility for appointment or election to the Council as may be prescribed.
- (8) In relation to appointments made or elections held before a register is established under section 3, the reference in subsection (7) to registered teachers is a reference to qualified teachers within the meaning of section 218(2) of the <sup>M2</sup>Education Reform Act 1988.
- (9) Schedule 1 to this Act has effect in relation to the Council.
- (10) At any time before the date mentioned in subsection (3)(a), the Council shall be known as the General Teaching Council for England and Wales; and—
- (a) in relation to any time before that date, references to the Council in any enactment shall accordingly be construed as references to the General Teaching Council for England and Wales, and
  - (b) any reference to the Council by that name in an instrument or document made before that date shall be construed on or after that date as a reference to the General Teaching Council for England.

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

C1 S. 1(2)(4)-(9) applied (with modifications) (30.12.1998) by S.I. 1998/2911, art.3

**Status:** Point in time view as at 01/10/2002. This version of this part contains provisions that are not valid for this point in time.

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### Commencement Information

- II** S. 1 wholly in force at 1.9.2000; s. 1 not in force at Royal Assent see s. 46(4); s. 1(1) in force for specified purposes and s. 1(2)-(10) wholly in force at 1.10.1998 by S.I. 1998/2215, art. 2; s. 1(1) in force at 1.9.2000 in so far as not already in force by S.I. 2000/970, art. 3

### Marginal Citations

- M1** 1995 c. 50.  
**M2** 1988 c. 40.

## *Functions of the General Teaching Council for England*

### 2 Advisory functions of General Teaching Council for England.

- (1) The Council shall from time to time advise—
- (a) the Secretary of State, and
  - (b) such other persons or bodies as he may from time to time designate, on such matters falling within subsection (2) as they think fit.
- (2) Those matters are—
- (a) standards of teaching;
  - (b) standards of conduct for teachers;
  - (c) the role of the teaching profession;
  - (d) the training, career development and performance management of teachers;
  - (e) recruitment to the teaching profession;
  - [<sup>F1</sup>(ee) the supply of teachers;
  - (ef) the retention of teachers within the teaching profession;
  - (eg) the standing of the teaching profession;]
- and
- (f) medical fitness to teach.
- (3) The Council shall also advise the Secretary of State—
- (a) on such matters falling within subsection (2), or
  - (b) on such other matters relating to teaching,
- as he may from time to time require.
- (4) The Council may be required under subsection (3)(b) to advise the Secretary of State on any matter relevant to a decision by him as to whether any power exercisable by him by virtue of section 218(6) of the Education Reform Act 1988 (prohibition or restriction on employment of teachers) should or should not be exercised in any particular case.
- (5) The Council may give advice on such matters falling within subsection (2) as they think fit to such persons or bodies as they may from time to time determine.
- (6) Any advice given by the Council on matters falling within subsection (2) shall be advice of a general nature.
- (7) The Council may publish advice given by them under subsection (1), (3) or (5).

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### Textual Amendments

- F1** S. 2(2)(ee)(ef)(eg) inserted (1.10.2002 for E. and 19.12.2002 for W.) by 2002 c. 32, s. 148, **Sch. 12 para. 2** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, **Sch. Pt. I**

### Commencement Information

- I2** S. 2 wholly in force at 1.6.2001; s. 2 not in force at Royal Assent see s. 46(4); s. 2(1)-(3)(5)-(7) in force at 1.9.2000 by S.I. 2000/970, **art. 3**; s. 2(4) in force at 30.4.2001 (W.) and 1.6.2001 (E.) by S.I. 2001/1211, **arts. 3, 4**

## 3 Registration of teachers.

- (1) The Council shall establish and maintain a register of teachers (“the register”).
- (2) The register shall contain the name of every person who is eligible for registration and applies to be registered in the register in accordance with regulations made under section 4.
- (3) A person is eligible for registration if he is a qualified teacher within the meaning of section 218(2) of the <sup>M3</sup>Education Reform Act 1988 and he is not for the time being—
  - (a) prohibited from being employed, or otherwise engaged to provide his services, as a teacher as the result of a direction given by the Secretary of State by virtue of section 218(6) of that Act (prohibition or restriction on employment of teachers), or
  - (b) subject to a disciplinary order made under Schedule 2 to this Act by virtue of which he is not eligible for registration, or
  - (c) disqualified from being employed as a teacher in any school by virtue of an order made—
    - (i) by an Independent Schools Tribunal under section 470 of the <sup>M4</sup>Education Act 1996, or
    - (ii) by the Secretary of State under section 471 of that Act, or
  - (d) (subject to such exceptions as may be prescribed by, or determined by the Secretary of State under, regulations) ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of any prescribed provision of the law of Scotland or of Northern Ireland.
- (4) Except in such circumstances as may be prescribed, a person is not eligible for registration if, having served an induction period in accordance with regulations under section 19, he has failed to complete it satisfactorily for the purposes of those regulations.

### Commencement Information

- I3** S. 3 wholly in force at 1.9.2000; s. 3 not in force at Royal Assent see s. 46(4); s. 3(3)(d)(4) in force for certain purposes at 5.4.2000 and for remaining purposes 1.9.2000 and s. 3(1)(2)(3)(a)-(c) in force at 1.9.2000 by S.I. 2000/970, **arts. 2, 3**

### Marginal Citations

- M3** 1988 c. 40.  
**M4** 1996 c. 56.

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#### 4 Regulations relating to registration.

- (1) Regulations may make provision as to the form and manner in which the register is to be kept and other matters relating to registration.
- (2) Regulations under this section may, in particular, make provision as to—
  - (a) the form and manner in which applications for registration are to be made;
  - (b) the documentary and other evidence which is to accompany applications for registration;
  - (c) the registration, on the establishment of the register, of persons who have not made such applications;
  - (d) the matters which are to be recorded in the register against the names of those registered in it;
  - (e) the division of the register into separate parts;
  - (f) the restoration and alteration of entries and their transfer between different parts of the register (where separate parts are required by virtue of paragraph (e));
  - (g) the charging by the Council of fees authorised by virtue of subsection (4);
  - (h) the removal of entries from the register in circumstances where the persons concerned—
    - (i) have ceased to be eligible for registration, or
    - (ii) have failed to pay any such fee,
 or otherwise;
  - (i) the issue and form of certificates of registration;
  - (j) the information contained in the register which may be made available for inspection by members of the public, and the circumstances in which and the conditions subject to which that information may be made available.
- (3) Regulations made in pursuance of subsection (2)(d) may require the recording of any restrictions for the time being in force in relation to a person as the result of—
  - (a) a direction given by the Secretary of State by virtue of section 218(6) of the <sup>M5</sup>Education Reform Act 1988 (prohibition or restriction on employment of teachers), or
  - (b) a disciplinary order made under Schedule 2 to this Act.
- (4) For the purposes of subsection (2)(g) regulations under this section may authorise the Council (subject to such exceptions as may be provided for by or under the regulations) to charge fees fixed by them with the approval of the Secretary of State in respect of—
  - (a) applications for registration or for the restoration of entries in the register;
  - (b) registration in accordance with subsection (2)(c); or
  - (c) the retention of entries in the register;
 and the regulations may accordingly authorise the Council to refuse an application falling within paragraph (a) above until the appropriate fee has been paid.
- [<sup>F2</sup>(4A) The Council, in exercising any power to fix fees authorised by virtue of subsection (4), shall have regard to the expenditure of the Council in exercising—
  - (a) their functions under this Act relating to registration, and
  - (b) all other functions conferred on them under this Act or any other enactment.]
- (5) Regulations under this section may authorise the Council to make provision in relation to any matter as to which provision may be made by regulations under this section.

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#### Textual Amendments

**F2** S. 4(4A) inserted (1.10.2002 for E. and 19.12.2002 for W.) by 2002 c. 32, s. 148, **Sch. 12 para. 4(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4, Sch. Pt. I**

#### Marginal Citations

**M5** 1988 c. 40.

VALID FROM 06/11/2006

### [<sup>F3</sup>4A Appeals against refusal of registration

- (1) Regulations shall make provision for conferring on a person aggrieved by a decision made on relevant grounds to refuse an application made by him for registration under section 3 a right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him.
- (2) The reference in subsection (1) to a decision made on relevant grounds is to a decision made on the ground that at the relevant time the Council were not satisfied of the applicant's suitability to be a teacher.
- (3) On such an appeal the Court may make any order which appears appropriate.
- (4) No appeal shall lie from any decision of the Court on such an appeal.]

#### Textual Amendments

**F3** S. 4A inserted (*prosp.*) by 2002 c. 32, ss. 148, 216, **Sch. 12 para. 5** (with ss. 210(8), 214(4))

## 5 Code of practice for registered teachers.

- (1) Regulations may make provision for, and in connection with, authorising the Council to issue, and from time to time revise, a code laying down standards of professional conduct and practice expected of registered teachers.
- (2) Regulations under this section may, in particular, make provision—
  - (a) as to the consequences of any failure by a registered teacher to comply with the provisions of the code;
  - (b) for the provision by the Council of copies of the code, either on payment of a reasonable charge decided by the Council or, in such circumstances as may be determined in accordance with the regulations, free of charge.
- (3) Regulations made in pursuance of subsection (2)(a) may provide for any failure by a registered teacher to comply with the provisions of the code to be taken into account in any proceedings against him under Schedule 2.

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## 6 Disciplinary powers of Council in relation to registered teachers.

Schedule 2 (which makes provision for certain disciplinary powers to be conferred on the Council in relation to registered teachers and persons applying for registration) shall have effect.

### Commencement Information

**I4** S. 6 wholly in force at 1.6.2001; s. 6 not in force at Royal Assent see s. 46; s. 6 in force at 28.2.2001 (E.W.) for specified purposes by S.I. 2001/1211, art. 2; s. 6 in force insofar as not already in force at 30.4.2001 (W.) and 1.6.2001 (E.) by S.I. 2001/1211, arts. 3, 4

### [<sup>F4</sup>6A Power to promote teaching profession

- (1) The Council may undertake activities designed to promote the standing of the teaching profession.
- (2) Without prejudice to the generality of subsection (1), such activities may include—
  - (a) giving advice,
  - (b) organising conferences and lectures, and
  - (c) arranging for the publication of material in any form.]

### Textual Amendments

**F4** S. 6A inserted (1.10.2002 for E. and 19.12.2002 for W.) by 2002 c. 32, s. 148, Sch. 12 para. 6 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I

## 7 Additional and ancillary functions of Council.

- (1) The Secretary of State may by order confer or impose on the Council such additional functions as he considers they may appropriately discharge in conjunction with any of their other functions under this Chapter.
- (2) Before making an order under subsection (1), the Secretary of State shall carry out such consultation as appears to him to be appropriate.
- (3) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to give him such assistance as he may specify in relation to the exercise of his power under section 218(2) of the <sup>M6</sup>Education Reform Act 1988 to determine, in accordance with regulations made under that provision, whether a person is a qualified teacher.
- (4) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to maintain records relating to such categories of persons (including persons not eligible to be registered under section 3) as may be prescribed; and the records shall contain such information relating to those persons and be kept in such manner as may be prescribed.
- (5) The Council shall carry out such functions ancillary to their functions under this Chapter as the Secretary of State may direct.

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#### Commencement Information

**I5** S. 7 wholly in force at 1.9.2000; s. 7 not in force at Royal Assent see s. 46(4); s. 7(1)-(4) in force at 5.4.2000 and s. 7(5) in force at 1.9.2000 by S.I. 2000/970, arts. 2, 3

#### Marginal Citations

**M6** 1988 c. 40.

### *The General Teaching Council for Wales*

## 8 The General Teaching Council for Wales.

- (1) The Secretary of State may by order make provision for the establishment of a body corporate to be known as Cyngor Addysgu Cyffredinol Cymru or the General Teaching Council for Wales to exercise in relation to Wales, as from such date as may be specified in the order, the functions conferred on them by or under this Chapter.
- (2) An order under subsection (1) may provide for any provision of section 1 or Schedule 1 to have effect in relation to the General Teaching Council for Wales as it has effect in relation to the Council, subject to such modifications (if any) as are specified in the order.
- (3) Where such an order is made after the Council have begun to exercise any function in relation to Wales (in accordance with section 1(3)), the order may include provision—
  - (a) for the transfer of staff; and
  - (b) for the transfer of property, rights and liabilities held, enjoyed or incurred in connection with that function by the Council.
- (4) So far as any such function relates to registration under section 3, the order shall make provision for persons previously registered or applying for registration under that section in its application in relation to Wales in accordance with section 1(3) to be treated as registered or applying for registration under that section as it applies in relation to Wales in accordance with section 9(1).
- (5) Subject to subsection (6), stamp duty shall not be chargeable in respect of any transfer to the General Teaching Council for Wales effected by virtue of subsection (3).
- (6) No instrument (other than a statutory instrument) made or executed in pursuance of subsection (3) shall be treated as duly stamped unless—
  - (a) it is stamped with the duty to which it would, but for this section, be liable, or
  - (b) it has, in accordance with the provisions of section 12 of the <sup>M7</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

#### Marginal Citations

**M7** 1891 c. 39.



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### *Functions of the General Teaching Council for Wales*

#### **9 Functions of General Teaching Council for Wales: general.**

- (1) As from the date specified under section 8(1), the following provisions, namely—
- sections 2 to 5,
  - section 6 together with Schedule 2, and
  - section 7,
- shall apply to the General Teaching Council for Wales in relation to Wales as they apply to the Council in relation to England.
- (2) The Secretary of State may require the General Teaching Council for Wales to undertake (or join with any other person or body in undertaking) activities designed to promote—
- (a) recruitment to the teaching profession, or
  - (b) the continuing professional development of teachers.
- (3) Without prejudice to the generality of subsection (2), such activities may include—
- (a) giving advice;
  - (b) organising conferences and lectures; and
  - (c) arranging for the publication of material in any form.

#### **10 Further functions of General Teaching Council for Wales in relation to teachers.**

- (1) This section has effect in relation to regulations made under subsection (2) or (3) of section 218 of the <sup>M8</sup>Education Reform Act 1988 (regulations relating to schools, etc.) as they apply to teachers at schools.
- (2) The Secretary of State may make provision in such regulations for a determination under those regulations to be made (after their establishment) by the General Teaching Council for Wales.
- (3) The Secretary of State may make provision in such regulations—
- (a) for any determination made under those regulations as they apply in relation to England to be treated, in relation to Wales, as if it were a determination made under those regulations as they apply in relation to Wales, and
  - (b) for any determination made under those regulations as they apply in relation to Wales to be treated, in relation to England, as if it were a determination made under those regulations as they apply in relation to England.

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#### **Marginal Citations**

**M8** 1988 c. 40.

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## *Supplementary*

### **11 Registration requirement for teachers at schools.**

In section 218(1) of the <sup>M9</sup>Education Reform Act 1988 (regulations relating to schools, etc.), after paragraph (a) there shall be inserted—

“(aa) for requiring persons employed as teachers at schools, subject to such exceptions as may be provided for by or under the regulations, to be registered in accordance with section 3 of the Teaching and Higher Education Act 1998 by the General Teaching Council for England or (after their establishment) by the General Teaching Council for Wales;”.

#### **Marginal Citations**

**M9** 1988 c. 40.

### **12 Deduction of fees from salaries, etc.**

- (1) Regulations may, in relation to teachers to whom this section applies, make provision requiring employers of such teachers (subject to such exceptions as may be provided for by or under the regulations)—
  - (a) to deduct (or arrange for the deduction) from the salary of such teachers any fee payable by virtue of section 4(4) in respect of the registration or retention of an entry on the register relating to any such teacher, and
  - (b) to remit that fee to the relevant Council.
- (2) This section applies to teachers at schools who, on such date or during such period as may be specified in the regulations, are—
  - (a) registered in the register, or
  - (b) required as a consequence of their employment to be so registered by virtue of section 218(1)(aa) of the Education Reform Act 1988.
- (3) The regulations may make provision with respect to—
  - (a) the arrangements to be adopted by employers of teachers to whom this section applies for the deduction and remittance of fees,
  - (b) the administration charges which may be deducted from any fees remitted to the relevant Council, and
  - (c) the notification to the relevant Council by employers of such teachers of such particulars relating to those teachers as the regulations may specify.
- (4) In this section— “relevant Council” means the Council or (after their establishment) the General Teaching Council for Wales; “salary” includes any remuneration payable in respect of services as a teacher; “schools” means such schools as are referred to in section 218(12) of the Education Reform Act 1988.

### **13 Consultation about qualified teacher status.**

In section 218 of the <sup>M10</sup>Education Reform Act 1988, after subsection (2A) there shall be inserted—

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“(2AA) Before making any regulations under subsection (2) or (2A) or making any provision by virtue of regulations made under those subsections as to the standards required of a person who wishes to become a qualified teacher, the Secretary of State shall consult either or both of the following (as appropriate)

- (a) the General Teaching Council for England, and
- (b) after their establishment, the General Teaching Council for Wales.”

#### Marginal Citations

**M10** 1988 c. 40.

### 14 Supply of information relating to teachers: general.

- (1) The Secretary of State shall supply the Council or the General Teaching Council for Wales with such information relating to individual teachers as he considers it to be necessary or desirable for them to have for the purpose of carrying out any of the functions conferred on them by or under this Chapter.
- (2) Each of those Councils shall supply the Secretary of State with such information as he may request for the purpose of—
  - (a) statistical analysis, or
  - (b) any other function of his relating to teachers.
- (3) The Secretary of State may by regulations require either Council to supply information—
  - (a) to such other person or body, and
  - (b) for such purposes and subject to such conditions, as may be prescribed.
- (4) Without prejudice to the generality of subsection (3), once the General Teaching Council for Wales have been established, that Council and the General Teaching Council for England shall each supply the other with such information as it is necessary or desirable for that other Council to have for the purpose of carrying out any of the functions conferred on them by or under this Chapter.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

#### Commencement Information

**I6** S. 14 wholly in force at 1.9.2000; s. 14 not in force at Royal Assent see s. 46(4); s. 14(3) in force at 5.4.2000 and s. 14(1)(2)(4)(5) in force at 1.9.2000 by [S.I. 2000/970](#), [arts. 2, 3](#)

### 15 Supply of information relating to dismissal or resignation of teachers.

Regulations may make provision requiring employers of persons falling within section 218(6) of the Education Reform Act 1988 to provide all or any of the following, namely—

- (a) the Secretary of State,

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- (b) the General Teaching Council for England, and
- (c) the General Teaching Council for Wales,

with prescribed information in respect of cases where such persons are dismissed on the grounds of misconduct or incompetence [<sup>F5</sup>, on the grounds mentioned in section 218(6ZA)(c) of that Act] or on medical grounds, or resign in circumstances where their employers would have dismissed them, or considered dismissing them, on any such grounds had they not resigned.

#### Textual Amendments

**F5** Words in s. 15 inserted (1.9.2000) by 1999 c. 14, s. 5(4); S.I. 2000/2337, art. 2(1)(c)

VALID FROM 31/03/2003

#### [<sup>F6</sup>15A Supply of information by contractor, agency, &c.

- (1) This section applies to arrangements made by one person (the “agent”) for another person (the “worker”) to carry out work at the request of or with the consent of a relevant employer (whether or not under a contract).
- (2) Subsections (3) and (4) apply where an agent—
  - (a) has terminated the arrangements on a ground mentioned in section 142 of the Education Act 2002,
  - (b) might have terminated the arrangements on a ground mentioned in that section if the worker had not terminated them, or
  - (c) might have refrained from making new arrangements for a worker on a ground mentioned in that section if he had not ceased to make himself available for work.
- (3) In the case of arrangements for a worker to carry out work in England, the agent shall provide prescribed information to such of the following as may be prescribed—
  - (a) the Secretary of State, and
  - (b) where the person is a registered teacher, the Council.
- (4) In the case of arrangements for a worker to carry out work in Wales, the agent shall provide prescribed information to such of the following as may be prescribed—
  - (a) the National Assembly for Wales, and
  - (b) where the person is a registered teacher, the General Teaching Council for Wales.
- (5) If the Secretary of State thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (3), the Secretary of State may direct the person to comply with the duty.
- (6) If the National Assembly thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (4), the National Assembly may direct the person to comply with the duty.
- (7) A direction under subsection (5) shall be enforceable, on the application of the Secretary of State, by mandatory order.

**Status:** Point in time view as at 01/10/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Teaching and Higher Education Act 1998, Part I is up to date with all changes known to be in force on or before 02 April 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)

(8) A direction under subsection (6) shall be enforceable, on the application of the National Assembly, by a mandatory order.

(9) Subsections (4) and (5) of section 15 shall apply for the purposes of this section as they apply for the purposes of that section.]

#### Textual Amendments

**F6** Ss. 15, 15A substituted for s. 15 (31.3.2003 for W. and 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

### *The General Teaching Council for Scotland*

#### **16 Duty to have regard to needs of disabled persons.**

At the end of section 1 of the <sup>M11</sup>Teaching Council (Scotland) Act 1965 (establishment of General Teaching Council for Scotland) there shall be inserted—

“(3) In exercising their functions, the Council shall have regard to the requirements of persons who are disabled persons for the purposes of the <sup>M12</sup>Disability Discrimination Act 1995.”

#### Marginal Citations

**M11** 1965 c. 19.

**M12** 1995 c. 50.

#### **17 Representation of special educational needs teachers on General Teaching Council for Scotland.**

In paragraph 1 of Schedule 1 to the Teaching Council (Scotland) Act 1965 (composition of General Teaching Council for Scotland), after sub-paragraph (8) there shall be inserted—

“(9) In nominating members of the Council under sub-paragraph (1)(c) above, the Secretary of State shall have regard to the desirability of the membership of the Council reflecting the interests of persons concerned with the teaching of persons with special educational needs.”

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PROSPECTIVE

## CHAPTER II

### HEAD TEACHERS

#### <sup>F7</sup> 18 Qualifications of head teachers.

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#### Textual Amendments

- F7** S. 18 repealed (1.10.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 84, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 5

## CHAPTER III

### TEACHER TRAINING

#### *Induction periods*

#### 19 Requirement to serve induction period.

- (1) Regulations may make provision for, and in connection with, requiring persons employed as teachers at relevant schools, subject to such exceptions as may be provided for by or under the regulations, to have satisfactorily completed an induction period of not less than three school terms in—
- (a) a relevant school, [<sup>F8</sup> or]
  - (b) in such circumstances as may be prescribed, an independent school [<sup>F9</sup> or
  - (c) in such circumstances as may be prescribed, a further education institution (or a further education institution of a prescribed description).]
- (2) Regulations under this section may, in particular, make provision—
- (a) as to the length of the induction period in any prescribed circumstances;
  - (b) as to periods of employment which are to count towards the induction period;
  - (c) precluding a person from serving more than one induction period except in any prescribed circumstances;
  - (d) precluding a relevant school, in such circumstances as may be prescribed, from being one at which an induction period may be served;
  - (e) as to the supervision and training of a person during his induction period;
  - (f) authorising the Secretary of State to determine the standards against which a person <sup>F10</sup> . . . is to be assessed for the purpose of deciding whether he has satisfactorily completed an induction period;
  - (g) requiring the appropriate body to decide whether a person—
    - (i) has achieved those standards and has accordingly satisfactorily completed his induction period, or

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- (ii) should have his induction period extended by such period as may be determined by the appropriate body, or
    - (iii) has failed satisfactorily to complete his induction period;
  - (h) requiring the head teacher of a school to make a recommendation to the appropriate body as to whether a person has achieved the standards mentioned in paragraph (f);
  - (i) requiring the appropriate body to inform the Secretary of State and either the Council or the General Teaching Council for Wales of any decision under paragraph (g);
  - (j) requiring the employer of a person employed as a teacher at a relevant school to secure—
    - (i) the termination of that person’s employment as a teacher, or
    - (ii) that he only undertakes such teaching duties as may be determined in accordance with the regulations,
 in such circumstances following a decision that he has failed satisfactorily to complete his induction period as may be prescribed;
  - (k) authorising or requiring the appropriate body to exercise such other functions as may be prescribed (which may include functions with respect to the provision of assistance to schools [<sup>F11</sup>or to further education institutions] or of training for teachers);
  - (l) authorising the appropriate body in such circumstances as may be prescribed to make such reasonable charges in connection with the exercise of its functions under the regulations as it may determine;
  - (m) requiring any person or body exercising any prescribed function under the regulations to have regard to any guidance given from time to time by the Secretary of State as to the exercise of that function.
- (3) Once the Council or the General Teaching Council for Wales have been established, the Secretary of State shall consult one or both of those Councils (as appropriate) before making any determination as to standards by virtue of regulations made under subsection (2)(f).
- (4) Regulations under this section shall include provision conferring on a person aggrieved by a decision under subsection (2)(g) a right to appeal against the decision to one of the following, namely—
- (a) the Secretary of State, or
  - (b) the Council or the General Teaching Council for Wales;
- and any decision made on such an appeal shall be final.
- (5) Regulations made in pursuance of subsection (4) may make provision for, or for the determination in accordance with the regulations of, such matters relating to such appeals as the Secretary of State considers necessary or expedient.
- (6) In [<sup>F12</sup>subsection s(2) and (6A)]“the appropriate body” means such person or body (including a local education authority) as may be prescribed by, or determined by the Secretary of State in accordance with, regulations under this section; and such regulations may provide for an appropriate body which is not a local education authority to include a representative of such an authority.
- [<sup>F13</sup>(6A) Regulations under subsection (1)(c) may, in particular—
- (a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;

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- (b) provide for approval to be general or specific;
  - (c) make provision (including transitional provision) about the withdrawal of approval;
  - (d) impose conditions or limitations on the appropriate body’s power to give or withhold approval.]
- (7) During the induction period which a person is required to serve by virtue of regulations made under this section, the provisions of [<sup>F14</sup>section 131 of the Education Act 2002] (appraisal of teachers’ performance) and regulations made under that section shall not apply to him.
- (8) Regulations may provide for references to “eligible expenditure” in section 484 of the <sup>M13</sup>Education Act 1996 (education standards grants) to include such expenditure incurred by local education authorities in consequence of any regulations made by virtue of subsection (1) or (2) as may be prescribed.
- (9) Where, in accordance with a requirement imposed by virtue of subsection (2)(j)(ii), a teacher employed at a school maintained by a local education authority—
- (a) continues to be employed at the school, but
  - (b) is not undertaking his normal teaching duties there,
- any costs incurred by the local education authority in respect of the teacher’s emoluments shall not be met from the school’s budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.
- Nothing in this subsection applies to a maintained school at any time when the school does not have a delegated budget.
- (10) In this section—
- (a) any reference to a school’s budget share or to its not having a delegated budget has the same meaning as in Part II of the School Standards and Framework Act 1998,
  - (b) “relevant school” means such schools as are referred to in section 218(12) of the Education Reform Act 1988, [<sup>F15</sup>and]
  - (c) “independent school” has the same meaning as in the Education Act 1996.
  - [<sup>F16</sup>(d) “a further education institution” means an institution within the further education sector.]
- [<sup>F17</sup>(11) In the application of this section to a further education institution—
- (a) a reference to a school term shall be taken as a reference to a term of the institution;
  - (b) a reference to the head teacher of a school shall be taken as a reference to the principal of the institution.]

[<sup>F18</sup>(12) Sections 496 and 497 of the Education Act 1996 shall have effect as if—

    - (a) the duties and powers referred to in those sections included duties imposed and powers conferred by virtue of this section, and
    - (b) in relation to those duties and powers, the bodies to which those sections apply included the governing body of a relevant school, the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution and an appropriate body for the purposes of subsection (2).]



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### Textual Amendments

- F8** Word in s. 19(1)(a) repealed (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F9** S. 19(c) and preceding “or” inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(2); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F10** Words in s. 19(2)(f) repealed (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, ss. 139(3)(a), 153, **Sch. 11**; S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F11** Words in s. 19(2)(k) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(3)(b); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F12** Words in s. 19(6) substituted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(4); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F13** S. 19(6A) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(5); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F14** Words in s. 19(7) substituted (1.10.2002 for E and otherwise *prosp.*) by 2002 c. 32, ss. 215(1), 216, **Sch. 21 para. 85(a)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
- F15** Word in s. 19(10)(b) repealed (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F16** S. 19(10)(d) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(6); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F17** S. 19(11) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(7) S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F18** S. 19(12) inserted (1.10.2000) by 2000 c. 21, s. 139(7); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**

### Commencement Information

- I7** S. 19 wholly in force at 1.4.1999; s. 19 not in force at Royal Assent; s. 19(1)–(8) and (10)(b)(c) in force at 1.10.1998 by S.I. 1998/2215, art. 2; s. 19(9) and (10)(a) in force at 1.4.1999 by S.I. 1998/2215, art. 3

### Marginal Citations

- M13** 1996 c. 56.

## *Inspection of teacher training institutions*

### **20 Inspection of institutions training teachers for schools.**

After section 18 of the <sup>M14</sup>Education Act 1994 there shall be inserted—

#### **“18A Inspection of institutions training teachers for schools.**

- (1) The Chief Inspector may inspect and report on—
- (a) any initial training of teachers, or of specialist teaching assistants, for schools, or
  - (b) any in-service training of such teachers or assistants,
- which is provided by a relevant institution.
- (2) When asked to do so by the Secretary of State, the Chief Inspector shall—
- (a) give advice to the Secretary of State on such matters connected with training falling within subsection (1)(a) or (b) as may be specified in the Secretary of State’s request;

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- (b) inspect and report on such one or more relevant institutions as may be so specified.
- (3) The Chief Inspector may at any time give advice to—
- (a) the Secretary of State,
  - (b) a funding agency,
  - (c) the General Teaching Council for England, or
  - (d) the General Teaching Council for Wales,
- on any matter connected with training falling within subsection (1)(a) or (b).
- (4) The Chief Inspector may—
- (a) make such reports of inspections carried out by him under this section as he considers appropriate, and
  - (b) arrange for any such report to be published in such manner as he considers appropriate,
- and section 42A(2) to (4) of the <sup>M15</sup>School Inspections Act 1996 (publication of inspection reports) shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).
- (5) When inspecting a relevant institution under this section, the Chief Inspector shall have at all reasonable times—
- (a) a right of entry to the premises of the institution, and
  - (b) a right to inspect, and take copies of, any records kept by the institution, and any other documents containing information relating to the institution, which he considers relevant to the exercise of his functions under this section;
- and section 42 of the School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.
- (6) Without prejudice to subsection (5), a relevant institution to which an inspection under this section relates—
- (a) shall give the Chief Inspector all assistance in connection with the exercise of his functions under this section which it is reasonably able to give; and
  - (b) shall secure that all such assistance is also given by persons who work for the institution.
- (7) The Chief Inspector shall not carry out any inspection under subsection (1) unless—
- (a) at least eight weeks previously, he has given notice of his intention to carry out the inspection—
    - (i) to the relevant institution concerned, or
    - (ii) where that institution is a partnership or association of eligible institutions, to one of those institutions; or
  - (b) with the agreement of that institution or (as the case may be) one of those institutions, he has given it shorter notice of that intention.
- (8) Any notice under subsection (7)—
- (a) shall be given in writing, and

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- (b) may be sent by post;  
and any such notice may (without prejudice to any other lawful method of giving it) be addressed to an institution at any address which the institution has notified to a funding agency as its address.
- (9) Nothing in this section confers any right or imposes any duty, whether as regards the carrying out of any inspection or otherwise, in relation to any course which consists of instruction given wholly or mainly for purposes other than training falling within subsection (1)(a) or (b).
- (10) In this section—
- (a) “the Chief Inspector” means—
- (i) in relation to England, Her Majesty’s Chief Inspector of Schools in England, and
  - (ii) in relation to Wales, [<sup>F19</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
- (b) “relevant institution” means—
- (i) any eligible institution, or
  - (ii) any other institution, body or person designated by the Secretary of State as being in receipt of public funding in respect of the provision of training falling within subsection (1)(a) or (b);
- (c) “in-service training” includes any training provided to a teacher serving an induction period (within the meaning of section 19 of the Teaching and Higher Education Act 1998); and
- (d) “document” and “records” each include information recorded in any form.
- (11) Any reference in this section to the Chief Inspector shall be read, in relation to any inspection which he is authorised or required to carry out under this section, as including a reference to any person authorised to act on his behalf under sub-paragraph (1) or (2) of paragraph 5 of Schedule 1 to the <sup>M16</sup>School Inspections Act 1996.
- (12) Nothing in this section shall be taken as prejudicing the generality of section 2 or 5 of that Act or of paragraph 5(1) or (2) of Schedule 1 to that Act.”

#### Textual Amendments

**F19** Words in s. 20(10)(a)(ii) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.

#### Marginal Citations

**M14** 1994 c. 30.

**M15** 1996 c. 57.

**M16** 1996 c. 57.

## 21 Inspection of institutions training teachers for schools: Scotland.

In section 66 of the <sup>M17</sup>Education (Scotland) Act 1980 (inspection of educational establishments), after subsection (1A) there shall be inserted—

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“(1B) Notwithstanding subsection (1) above, the Secretary of State shall have power to cause inspection to be made of the education and training, wherever it is carried out, provided by institutions within the higher education sector (within the meaning of the <sup>M18</sup>Further and Higher Education (Scotland) Act 1992) wholly or mainly for persons preparing to be, or persons who are, teachers in schools, and such inspections shall be made by Her Majesty’s Inspectors or other persons appointed by the Secretary of State for the purpose.”

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**Marginal Citations**

**M17** 1980 c. 44.

**M18** 1992 c. 37.

**Status:**

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**Changes to legislation:**

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