

*These notes refer to the Education Act 2011 (c.21)
which received Royal Assent on 15 November 2011*

EDUCATION ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: School Workforce

Reporting restrictions

Section 13: Restrictions on reporting alleged teacher misconduct

112. *Subsection (1)* inserts three new sections into EA 2002 to restrict the reporting of allegations of offences by teachers in England and Wales. New section 141F restricts the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence where the alleged victim of the offence is a registered pupil at the school. Such restrictions would remain in place unless or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation, or proceedings for the offence have been instituted. This expression is defined in section 141F(15) and includes where the teacher in question is charged with the offence to which the allegation relates. Restrictions would also be lifted if the individual to whom the restrictions apply publicly put forward their side of the story or gave their written consent for another to do so. In addition, they may be dispensed with on the application to court by any person. Restrictions will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers.
113. New section 141G makes it an offence to publish any information in breach of section 141F. It sets out who is guilty of an offence in the case of different forms of publication. Publication is defined in the provision and includes any communication which is addressed to the public at large or any section of the public. This will include communication via the internet. The definition of publication does not include documents prepared in connection with legal proceedings, or documents published by a professional regulatory body in the course of disciplinary proceedings against the individual. New section 141H sets out the defences available to a person charged with an offence under section 141G.
114. *Subsection (2)* gives effect to Schedule 4 which inserts a new Schedule 11B into EA 2002. This ensures that the provisions comply with the European Directive commonly referred to as the “E-Commerce Directive” (Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market).