

Status: Point in time view as at 28/02/2001.

Changes to legislation: Teaching and Higher Education Act 1998, Cross Heading: Investigation, hearing and determination of disciplinary cases is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 2

DISCIPLINARY POWERS OF COUNCIL

Investigation, hearing and determination of disciplinary cases

- 1 (1) Regulations may make provision for and in connection with the investigation by the Council of cases where—
 - (a) it is alleged that a registered teacher—
 - (i) is guilty of unacceptable professional conduct or serious professional incompetence, or
 - (ii) has been convicted (at any time) of a relevant offence, or
 - (b) it appears to the Council that a registered teacher may be so guilty or have been so convicted,and the hearing and determination by the Council of such cases where it is found on investigation that a registered teacher has a case to answer.
- (2) The regulations may, in particular, make provision—
 - (a) requiring the Council, where any proceedings are being taken against any person under this Schedule—
 - (i) to serve a notice on him outlining the case against him, and
 - (ii) to give him the opportunity of appearing and making oral representations;
 - (b) entitling such a person to be represented, by any person whom he desires to represent him, at any hearing of the Council at which his case is considered;
 - (c) requiring the Council, where they do not find the case against such a person proved, to publish at his request a statement to that effect;
 - (d) empowering the Council to require persons to attend and give evidence or to produce documents or other material evidence;
 - (e) about the admissibility of evidence;
 - (f) enabling the Council to administer oaths;
 - (g) for the procedure to be followed by the Council in connection with proceedings under this Schedule to be such as may be specified in or determined under the regulations.
- (3) No person shall be required by virtue of the regulations to give any evidence or produce any document or other material evidence which he could not be compelled to give or produce in civil proceedings in any court in England and Wales.
- (4) The regulations may make provision for any functions conferred on the Council by virtue of sub-paragraph (1) to be excluded or restricted in such manner as may be specified in or determined under the regulations, including such provision for excluding or restricting any such functions as the Secretary of State considers

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appropriate with a view to taking account of any powers exercisable by him, by virtue of section 218(6) of the ^{M1}Education Reform Act 1988, on the grounds of the safety and welfare of persons under the age of 19.

- (5) In framing any regulations under section 218(6) of that Act the Secretary of State may similarly take account of the functions conferred on the Council by virtue of sub-paragraph (1) (so far as not excluded or restricted by virtue of sub-paragraph (4)); and any such regulations may include provision with respect to the allocation of cases between the Secretary of State and the Council and the reference of cases by one of them to the other.

Marginal Citations

M1 1988 c. 40.

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