

BRIEFING NOTE ON S.141F EDUCATION ACT 2002 (ALSO REFERRED TO AS S.13  
EDUCATION ACT 2011)

PURPOSE

The purpose of this note is to explain the restrictions on reporting alleged offences by teachers.

LEGAL POSITION

If an allegation has been made against a person who is employed or engaged as a teacher at a school and (1) the allegation is that the teacher is or may be guilty of a criminal offence and (2) the allegation is made by or on behalf of a pupil, then it is a criminal offence to publish any information which may lead to the identity of the teacher who is subject to the offence.

Under the Act 'publication' includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large. Therefore this includes any allegation which is published in any newspaper or posted on any website including any social network site such as Facebook, Myspace or Twitter.

It is important to note that it is not just naming the alleged offender that can amount to an offence; any information published that can lead to members of the public identifying the teacher can be considered an offence and may lead to a criminal conviction. Therefore a person who publishes the name of a particular school and the age of an alleged offender may find that they have committed a criminal offence, if the information which they publish leads to members of the public being able to identify the teacher.

It is possible to dispense with the reporting restrictions; however this requires an order from the magistrates' court and is only granted if it is in the interests of justice to do so. These restrictions also cease to apply once the alleged offender has been charged with the offence.