



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1

SCHOOL DISCIPLINE

Certain schools required to have behaviour policy

88 Responsibility of governing body for discipline

- (1) The governing body of a relevant school must ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school.
- (2) In particular, the governing body—
 - (a) must make, and from time to time review, a written statement of general principles to which the head teacher is to have regard in determining any measures under section 89(1), and
 - (b) where they consider it desirable that any particular measures should be so determined by the head teacher or that he should have regard to any particular matters—
 - (i) shall notify him of those measures or matters, and
 - (ii) may give him such guidance as they consider appropriate.
- (3) Before making or revising the statement required by subsection (2)(a) the governing body must consult (in such manner as appears to them to be appropriate)—
 - (a) the head teacher,
 - (b) such other persons who work at the school (whether or not for payment) as it appears to the governing body to be appropriate to consult,
 - (c) parents of registered pupils at the school, and

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- (d) registered pupils at the school.
- (4) In exercising their functions under subsection (2) the governing body must have regard to any guidance given from time to time—
 - (a) in relation to England, by the Secretary of State, and
 - (b) in relation to Wales, by the Assembly.
- (5) In this section and section 89—
 - “relevant school” means—
 - (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school,
 - (c) a maintained nursery school,
 - (d) a pupil referral unit, or
 - (e) a school approved by the Secretary of State ^{F1}...under section 342 of EA 1996 (approval of non-maintained special schools);
 - “governing body”, in relation to a school approved by the Secretary of State ^{F1}...under section 342 of EA 1996, means the proprietor of the school.

Textual Amendments

- F1** Words in s. 88(5) omitted (1.9.2021) by virtue of [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, 8(3)

Modifications etc. (not altering text)

- C1** S. 88 applied (with modifications) (25.5.2007) by [The School Governance \(New Schools\) \(England\) Regulations 2007 \(S.I. 2007/958\)](#), regs. 1, 30

Commencement Information

- I1** S. 88 in force at 1.4.2007 for E. by [S.I. 2007/935](#), art. 4(a)
I2 S. 88 in force at 31.10.2010 for W. by [S.I. 2010/2543](#), art. 2(a)

89 Determination by head teacher of behaviour policy

- (1) The head teacher of a relevant school must determine measures to be taken with a view to—
 - (a) promoting, among pupils, self-discipline and proper regard for authority,
 - (b) encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
 - (c) securing that the standard of behaviour of pupils is acceptable,
 - (d) securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
 - (e) otherwise regulating the conduct of pupils.
- (2) The head teacher [^{F2}of a relevant school in England] must in determining such measures—
 - (a) act in accordance with the current statement made by the governing body under section 88(2)(a), and
 - (b) have regard to any notification or guidance given to him under section 88(2)(b).

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- [^{F3}(2A) The head teacher of a relevant school in Wales must in determining such measures—
- (a) act in accordance with the current statement made by the governing body under section 88(2)(a),
 - (b) have regard to any notification or guidance given to him under section 88(2)(b), and
 - (c) require pupils at the school to comply with the travel behaviour code made by the Welsh Ministers under section 12 of the Learner Travel (Wales) Measure 2008.]
- (3) [^{F4}In relation to a relevant school in England, the] standard of behaviour which is to be regarded as acceptable must be determined by the head teacher, so far as it is not determined by the governing body.
- [^{F5}(3A) In relation to a relevant school in Wales, the standard of behaviour which is to be regarded as acceptable must be determined by the head teacher, so far as it is not determined by—
- (a) the governing body, or
 - (b) the Welsh Ministers.]
- (4) The measures which the head teacher determines under subsection (1) must include the making of rules and provision for disciplinary penalties (as defined by section 90).
- [^{F6}(4A) In relation to a school in England, rules made under subsection (4) must identify the items for which a search may be made.]
- (5) The measures which the head teacher [^{F7}of a relevant school in England] determines under subsection (1) may, to such extent as is reasonable, include measures to be taken with a view to regulating the conduct of pupils at a time when they are not on the premises of the school and are not under the lawful control or charge of a member of the staff of the school.
- [^{F8}(5A) The measures which the head teacher of a relevant school in Wales determines under subsection (1) may, to such extent as is reasonable and not required by subsection (2A) (c), include measures to be taken with a view to regulating the conduct of pupils at a time when they are not on the premises of the school and are not under the lawful control or charge of a member of the staff of the school.]
- (6) The measures determined by the head teacher under subsection (1) must be publicised by him in the form of a written document as follows—
- (a) he must make the measures generally known within the school and to parents of registered pupils at the school, and
 - (b) he must in particular, at least once in every school year, take steps to bring them to the attention of all such pupils and parents and all persons who work at the school (whether or not for payment).

Textual Amendments

- F2** Words in s. 89(2) inserted (4.1.2010) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 13(2)**, 28(2); S.I. 2009/2819, art. 2(2)(a)
- F3** S. 89(2A) inserted (4.1.2010) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 13(3)**, 28(2); S.I. 2009/2819, art. 2(2)(a)
- F4** Words in s. 89(3) substituted (4.1.2010) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 13(4)**, 28(2); S.I. 2009/2819, art. 2(2)(a)

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- F5** S. 89(3A) inserted (4.1.2010) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 13(5)**, 28(2); S.I. 2009/2819, art. 2(2)(a)
- F6** S. 89(4A) inserted (1.4.2012) by Education Act 2011 (c. 21), **ss. 2(7)**, 82(3); S.I. 2012/924, art. 2
- F7** Words in s. 89(5) inserted (4.1.2010) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 13(6)**, 28(2); S.I. 2009/2819, art. 2(2)(a)
- F8** S. 89(5A) inserted (4.1.2010) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 13(7)**, 28(2); S.I. 2009/2819, art. 2(2)(a)

Commencement Information

- I3** S. 89 in force at 1.4.2007 for E. by S.I. 2007/935, **art. 4(a)**
- I4** S. 89(1)-(3) (5)(6) in force at 1.1.2009 for W. by S.I. 2009/2545, **art. 3(2)(a)** (with art. 4)
- I5** S. 89(4) in force at 31.10.2010 for W. by S.I. 2010/2543, **art. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)