



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 9

#### MISCELLANEOUS

##### *Further education*

#### **165 Power of members of staff of further education institutions to use force**

After section 85B of the Further and Higher Education Act 1992 (c. 13) insert—

##### **“85C Power of members of staff to use force**

- (1) A member of the staff of an institution which is within the further education sector may use such force as is reasonable in the circumstances for the purpose of preventing a student at the institution from doing (or continuing to do) any of the following, namely—
  - (a) committing any offence,
  - (b) causing personal injury to, or damage to the property of, any person (including the student himself), or
  - (c) prejudicing the maintenance of good order and discipline at the institution or among any of its students, whether during a teaching session or otherwise.
- (2) The power conferred by subsection (1) may be exercised only where—
  - (a) the member of the staff and the student are on the premises of the institution, or
  - (b) they are elsewhere and the member of the staff has lawful control or charge of the student.
- (3) Subsection (1) does not authorise anything to be done in relation to a student which constitutes the giving of corporal punishment within the meaning of section 548 of the Education Act 1996.

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- (4) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.
- (5) In this section, “member of the staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee.”

#### Commencement Information

**II** S. 165 in force at 1.4.2007 for E. by S.I. 2007/935, art. 4(b)

### 166 Collaboration arrangements: maintained schools and further education bodies

- (1) Regulations may enable—
  - (a) the governing body of a maintained school, whether alone or together with other such governing bodies, to make collaboration arrangements with one or more further education bodies;
  - (b) a further education body, whether alone or together with other further education bodies, to make collaboration arrangements with the governing body of a maintained school or the governing bodies of two or more such schools;
  - (c) a further education body to make collaboration arrangements with one or more further education bodies.
- (2) “Collaboration arrangements” are arrangements for any of the functions of any of the bodies who make the arrangements (“the collaborating bodies”) to be discharged jointly or by a joint committee of those bodies.
- (3) Regulations may make provision as to—
  - (a) the establishment by the collaborating bodies of a joint committee of those bodies for the purposes of discharging any functions in pursuance of collaboration arrangements made by them (“a joint committee”);
  - (b) the appointment of persons to serve on a joint committee (including provision as to the restrictions or other requirements relating to any such appointments) and their removal from office;
  - (c) the appointment of a clerk to a joint committee (including provision as to the restrictions or other requirements relating to any such appointment) and his removal from office;
  - (d) the appointment by a joint committee of one of their number to act as clerk for the purposes of a meeting where the clerk fails to attend;
  - (e) rights of persons to attend meetings of a joint committee;
  - (f) restrictions on persons taking part in proceedings of a joint committee;
  - (g) other matters relating to the constitution or procedure of a joint committee.
- (4) Regulations may make provision as to—
  - (a) the functions of collaborating bodies which may or may not be discharged jointly, or by a joint committee, in pursuance of collaboration arrangements;
  - (b) the manner in which such functions are to be discharged jointly, or by a joint committee, in pursuance of collaboration arrangements;

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- (c) any other matters which are relevant to the discharge of functions by the collaborating bodies jointly, or as the case may be, by a joint committee in pursuance of such arrangements.
- (5) Regulations may provide that any enactment relating to—
- (a) the functions of the collaborating bodies which are to be discharged in pursuance of collaboration arrangements, or
- (b) the governing bodies, or as the case may be the further education bodies, by whom those functions are to be discharged,
- is to have effect subject to all necessary modifications in its application in relation to those functions and the bodies by whom they are to be discharged.
- (6) In this section—
- “further education body” means—
- (a) a further education corporation (as defined by section 17(1) of the Further and Higher Education Act 1992 (c. 13)) [<sup>F1</sup>in England],
- (aa) [<sup>F2</sup>a sixth form college corporation (as defined in section 90 of that Act),] or
- (b) the governing body of a designated institution (as defined by section 28(4) of that Act) [<sup>F3</sup>in England] which is a body incorporated by virtue of section 143(4) of the Learning and Skills Act 2000 (c. 21);
- “maintained school” means [<sup>F4</sup>a school in England which is] a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
- “regulations” means regulations made by the Secretary of State (in relation to England) <sup>F5</sup>....

#### Textual Amendments

- F1** Words in s. 166(6) inserted (16.11.2012) by [Education \(Wales\) Measure 2011 \(nawm 7\), ss. 9\(4\)\(a\)\(i\), 33\(2\); S.I. 2012/2656, art. 2](#)
- F2** Words in s. 166(6) inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\), Sch. 1 para. 104 \(with art. 2\(3\)\)](#)
- F3** Words in s. 166(6) inserted (16.11.2012) by [Education \(Wales\) Measure 2011 \(nawm 7\), ss. 9\(4\)\(a\)\(ii\), 33\(2\); S.I. 2012/2656, art. 2](#)
- F4** Words in s. 166(6) inserted (16.11.2012) by [Education \(Wales\) Measure 2011 \(nawm 7\), ss. 9\(4\)\(b\), 33\(2\); S.I. 2012/2656, art. 2](#)
- F5** Words in s. 166(6) omitted (16.11.2012) by virtue of [Education \(Wales\) Measure 2011 \(nawm 7\), ss. 9\(4\)\(c\), 33\(2\); S.I. 2012/2656, art. 2](#)

#### Commencement Information

- I2** S. 166 in force at 1.4.2007 for E. by [S.I. 2007/935, art. 4\(b\)](#)
- I3** S. 166 in force at 30.6.2008 for W. by [S.I. 2008/1429, art. 3\(1\), Sch. Pt. 1](#)

**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\(a\)](#)