

Status: Point in time view as at 01/10/2002.

Changes to legislation: Education Act 1996, Chapter II is up to date with all changes known to be in force on or before 21 May 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)



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

Textual Amendments

- F1** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

[^{F2} Corporal punishment]

Textual Amendments

- F2** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

[^{F3}548 No right to give corporal punishment.

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
- for whom education is provided at any school, or
 - for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
 - for whom specified nursery education is provided otherwise than at school,
- cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

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- (2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.
- (3) The following provisions have effect for the purposes of this section.
- (4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.
- (5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—
- (a) an immediate danger of personal injury to, or
 - (b) an immediate danger to the property of, any person (including the child himself).
- (6) “Member of staff”, in relation to the child concerned, means—
- (a) any person who works as a teacher at the school or other place at which education is provided for the child, or
 - (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
 - (i) works at that school or place, or
 - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.
- (8) “Specified nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
- (a) by a local education authority; or
 - (b) by any other person—
 - (i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998, or
 - (ii) who is (or is to be) in receipt of grants under section 1 of the ^{M1}Nursery Education and Grant-Maintained Schools Act 1996; or
 - (c) [^{F4}(otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of “school”) but for the fact that it provides part-time, rather than full-time, primary education.]]

Textual Amendments

- F3** S. 548 substituted (1.9.1999) by 1998 c. 31, **ss. 131(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** S. 548(8)(c) repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

Marginal Citations

- M1** 1996 c. 56.

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^{F5}549

Textual Amendments

F5 S. 549 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F6}550

Textual Amendments

F6 S. 550 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[^{F7} Power to restrain pupils]

Textual Amendments

F7 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[^{F8}550A Power of members of staff to restrain pupils.

- (1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil 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 pupil himself), or
 - (c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.
- (2) Subsection (1) applies where a member of the staff of a school is—
 - (a) on the premises of the school, or
 - (b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.
- (3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.
- (4) In this section—

“member of the staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school;

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“offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.]

Textual Amendments

F8 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV

[^{F9} Detention]

Textual Amendments

F9 S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 5 (with s. 57(3)); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV

[^{F10} 550B Detention outside school hours lawful despite absence of parental consent.

- (1) Where a pupil to whom this section applies is required on disciplinary grounds to spend a period of time in detention at his school after the end of any school session, his detention shall not be rendered unlawful by virtue of the absence of his parent’s consent to it if the conditions set out in subsection (3) are satisfied.
- (2) This section applies to any pupil who has not attained the age of 18 and is attending—
 - (a) a school maintained by a local education authority;
 - ^{F11} . . . or
 - (c) a city technology college , city college for the technology of the arts or [^{F12}Academy]].
- (3) The conditions referred to in subsection (1) are as follows—
 - (a) the head teacher of the school must have previously determined, and have—
 - (i) made generally known within the school, and
 - (ii) taken steps to bring to the attention of the parent of every person who is for the time being a registered pupil there,
 that the detention of pupils after the end of a school session is one of the measures that may be taken with a view to regulating the conduct of pupils;
 - (b) the detention must be imposed by the head teacher or by another teacher at the school specifically or generally authorised by him for the purpose;
 - (c) the detention must be reasonable in all the circumstances; and
 - (d) the pupil’s parent must have been given at least 24 hours’ notice in writing that the detention was due to take place.
- (4) In determining for the purposes of subsection (3)(c) whether a pupil’s detention is reasonable, the following matters in particular shall be taken into account—
 - (a) whether the detention constitutes a proportionate punishment in the circumstances of the case; and
 - (b) any special circumstances relevant to its imposition on the pupil which are known to the person imposing it (or of which he ought reasonably to be aware) including in particular—

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- (i) the pupil's age,
 - (ii) any special educational needs he may have,
 - (iii) any religious requirements affecting him, and
 - (iv) where arrangements have to be made for him to travel from the school to his home, whether suitable alternative arrangements can reasonably be made by his parent.
- (5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude a notice from being given to a pupil's parent under this section by any other effective method.

Textual Amendments

- F10** S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 5 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**
- F11** S. 550B(2): the words "(b) a grant-maintained or grant-maintained special school;" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 165, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F12** Words in s. 550B(2)(c) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(7)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

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