



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER V

#### STAFFING AND CONDUCT OF SCHOOLS

#### *Discipline: general*

#### **61 Responsibility of governing body and head teacher for discipline.**

[<sup>F1</sup>(1) The governing body of a maintained school shall 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) shall 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 subsection (4); 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;

and in exercising their functions under this subsection the governing body shall have regard to any guidance given from time to time by the Secretary of State.

*Status: Point in time view as at 01/04/2007.*

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- (3) Before making or revising the statement required by subsection (2)(a) the governing body shall consult (in such manner as appears to them to be appropriate)—
- (a) the head teacher; and
  - (b) parents of registered pupils at the school.
- (4) The head teacher shall determine measures (which may include the making of rules and provision for enforcing them) 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; and
  - (d) otherwise regulating the conduct of pupils.
- (5) The head teacher shall in determining such measures—
- (a) act in accordance with the current statement made by the governing body under subsection (2)(a); and
  - (b) have regard to any notification or guidance given to him under subsection (2)(b).
- (6) The standard of behaviour which is to be regarded as acceptable at the school shall be determined by the head teacher, so far as it is not determined by the governing body.
- (7) The measures determined by the head teacher under subsection (4) shall be publicised by him in the form of a written document as follows—
- (a) he shall make the measures generally known within the school and to parents of registered pupils at the school; and
  - (b) he shall 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 employed, or otherwise engaged to provide their services, at the school.

[<sup>F2</sup>(8) In this section “maintained school” includes a maintained nursery school.]]

#### Textual Amendments

- F1** S. 61 repealed (1.4.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 96(b), 188(3), [Sch. 18 Sch. 6](#); S.I. 2007/935, art. 4(a)(d)
- F2** S. 61(8) inserted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 102](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

#### Modifications etc. (not altering text)

- C1** S. 61 applied with modifications (1.9.1999) by S.I. 1999/2262, [reg. 59](#).
- C2** S. 61 applied (with modifications) (10.7.2003) by [New Schools \(General\) \(England\) Regulations 2003 \(S.I. 2003/1558\)](#), [regs. 1, 31](#)
- C3** S. 61 modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), [3\(d\)](#)
- C4** S. 61 applied (with modifications) (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 5](#)
- C5** S. 61 applied (with modifications) (W.) (31.10.2005) by [The New Maintained Schools \(Wales\) Regulations 2005 \(S.I. 2005/2912\)](#), [regs. 1\(1\)](#), [30\(1\)](#) (with [reg. 30\(2\)](#))
- C6** S. 61 extended (with modifications) (1.9.1999) by S.I. 1999/2243, [reg. 59](#).

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## 62 LEA’s reserve power to prevent a breakdown of discipline.

(1) The local education authority may, in the circumstances mentioned in subsection (2) or where [<sup>F3</sup>subsection (2A) or (3)] applies, take such steps in relation to a maintained school as they consider are required to prevent the breakdown, or continuing breakdown, of discipline at the school.

(2) The circumstances are that—

(a) in the opinion of the authority—

(i) the behaviour of registered pupils at the school, or

(ii) any action taken by such pupils or their parents,

is such that the education of any registered pupils at the school is (or is likely in the immediate future to become) severely prejudiced; and

(b) the governing body have been informed in writing of the authority’s opinion.

[<sup>F4</sup>(2A) This subsection applies where, in the case of a school in England—

(a) a warning notice has been given in accordance with section 60(2) of the Education and Inspections Act 2006 (“the 2006 Act”) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,

(b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period, and

(c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under any one or more of sections 63 to 66 of the 2006 Act);

and a notice under paragraph (c) of this subsection may be combined with a notice under section 60(2) of the 2006 Act.]

(3) This subsection applies where [<sup>F5</sup>in the case of school in Wales]—

(a) a warning notice has been given in accordance with section 15(2) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,

(b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period, and

(c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under either or both of sections 16 and 17);

and a notice under paragraph (c) of this subsection may be combined with a notice under section 15(1)(c).

(4) Steps taken by a local education authority under subsection (1) may include the giving of any direction to the governing body or head teacher.

[<sup>F6</sup>(5) In this section “maintained school” includes a maintained nursery school.]

### Textual Amendments

**F3** Words in s. 62(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 14\(2\)](#); S.I. 2007/935, art. 5(cc)

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- F4** S. 62(2A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 14(3)**; S.I. 2007/935, art. 5(cc)
- F5** Words in s. 62(3) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 14(4)**; S.I. 2007/935, art. 5(cc)
- F6** S. 62(5) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 103** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

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**Modifications etc. (not altering text)**

- C7** S. 62 modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(d)**
- C8** S. 62(1)(2) applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 6**
- C9** S. 62(4) applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 6**

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