



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7 **E+W**

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1 **E+W**

SCHOOL DISCIPLINE

Certain schools required to have behaviour policy

88 Responsibility of governing body for discipline **E+W**

- (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

Changes to legislation: *Education and Inspections Act 2006, Section 88 is up to date with all changes known to be in force on or before 23 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) View outstanding changes*

- (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)**

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Changes and effects yet to be applied to :

- s. 88(1) words inserted by [2015 c. 20 Sch. 16 para. 1\(3\)](#)
- s. 88(2) words inserted by [2015 c. 20 Sch. 16 para. 1\(4\)](#)
- s. 88(4)(a) and word omitted by [2015 c. 20 Sch. 16 para. 1\(5\)\(a\)](#)
- s. 88(4)(b) words omitted by [2015 c. 20 Sch. 16 para. 1\(5\)\(b\)](#)
- s. 88(5) word substituted by [2008 c. 25 Sch. 1 para. 39\(a\)](#)
- s. 88(5) word substituted by [2008 c. 25 Sch. 1 para. 39\(b\)](#)
- 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\(a\)](#)