



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1

SCHOOL DISCIPLINE

Enforcement of discipline (including compliance with instructions)

91 Enforcement of disciplinary penalties: general

- (1) This section applies in relation to a disciplinary penalty imposed on a pupil by any school at which education is provided for him, other than a penalty which consists of exclusion.
- (2) The imposition of the disciplinary penalty is lawful if the following three conditions are satisfied.
- (3) The first condition is that the imposition of the penalty on the pupil—
 - (a) is not in breach of any statutory requirement or prohibition, and
 - (b) is reasonable in all the circumstances.
- (4) The second condition is that the decision to impose the penalty on the pupil was made—
 - (a) by any paid member of the staff of the school, except in circumstances where the head teacher has determined that the member of staff is not permitted to impose the penalty on the pupil, or
 - (b) by any other member of the staff of the school, in circumstances where the head teacher has authorised the member of the staff to impose the penalty on the pupil and it was reasonable for the head teacher to do so.

Changes to legislation: *Education and Inspections Act 2006, Section 91 is up to date with all changes known to be in force on or before 09 April 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*

- (5) The third condition is that the decision to impose the penalty was made, and any action taken on behalf of the school to implement the decision was taken—
 - (a) on the premises of the school, or
 - (b) elsewhere at a time when the pupil was under the lawful control or charge of a member of staff of the school.
- (6) In determining for the purposes of subsection (3)(b) whether the imposition of the penalty is reasonable, the following matters must be taken into account—
 - (a) whether the imposition of the penalty 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—
 - (i) the pupil's age,
 - (ii) any special educational needs he may have,
 - (iii) any disability he may have, and
 - (iv) any religious requirements affecting him.
- (7) For the purposes of subsection (6)(b)(iii) a pupil has a disability if he has a disability for the purposes of the [F1Equality Act 2010].
- (8) A determination or authorisation by the head teacher for the purpose of subsection (4) (a) or (b) may be made—
 - (a) in relation to a particular member of staff or members of staff of a particular description;
 - (b) in relation to a particular disciplinary penalty or disciplinary penalties of a particular description;
 - (c) in relation to a particular pupil or pupils of a particular description or generally in relation to pupils.
- (9) Where the disciplinary penalty is detention outside school sessions, this section has effect subject to section 92.
- (10) Nothing in this section authorises anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548 of EA 1996.
- (11) This section is not to be construed as restricting what may lawfully be done apart from this section.
- (12) In this section, “paid member of the staff”, in relation to a school, means any member of the staff who works at the school for payment, whether under a contract of employment or a contract for services; and, for this purpose, it is immaterial whether the contract of employment or contract for services is made with the governing body or proprietor of the school or with any other person.

Textual Amendments

- F1** Words in s. 91(7) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 94 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010](#) (S.I. 2010/2279), art. 1(2), [Sch. 1 para. 6](#) (see S.I. 2010/2317, art. 2))

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Commencement Information

- I1** S. 91 in force at 1.4.2007 for E. by [S.I. 2007/935](#), **art. 4(a)**
- I2** [S. 91](#) in force at 31.10.2010 for W. by [S.I. 2010/2543](#), **art. 2(c)**

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\(a\)](#)