



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7 **E+W**

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1 **E+W**

SCHOOL DISCIPLINE

Enforcement of discipline (including compliance with instructions)

92 Enforcement of disciplinary penalties: detention outside school sessions **E+W**

- (1) This section applies in relation to a disciplinary penalty which consists of the detention of a pupil outside school sessions.
- (2) In relation to a disciplinary penalty to which this section applies, subsection (2) of section 91 has effect as if it required the following additional conditions to be satisfied, as well as the conditions set out in subsections (3) to (5) of that section.
- (3) The additional conditions are—
 - (a) that the pupil has not attained the age of 18,
 - (b) that the head teacher of the school has previously determined, and has made generally known within the school and to parents of registered pupils at the school, that the detention of pupils outside school sessions is one of the measures that may be taken with a view to regulating the conduct of pupils,
 - (c) that the detention is on a permitted day of detention, and
 - (d) that [^{F1}, in relation to a pupil at a school in Wales,] the pupil's parent has been given at least 24 hours' notice in writing that the detention is due to take place.
- (4) The additional conditions set out in subsection (3)(a), (c) and (d) do not apply in the case of a detention during a break between school sessions on the same day.

Changes to legislation: *Education and Inspections Act 2006, Section 92 is up to date with all changes known to be in force on or before 22 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*

- (5) If arrangements have to be made for the pupil to travel to school for the purposes of the detention or to travel home after the detention, then in determining for the purposes of the condition in subsection (3) of section 91 whether the imposition of the detention is reasonable, subsection (6) of that section is to be read as if it also required the question whether suitable travelling arrangements can reasonably be made by his parent to be taken into account.
- (6) Section 572 of EA 1996, which provides for the methods by which notices may be served under that Act, does not preclude a notice under subsection (3)(d) from being given to the parent by any effective method.
- (7) This section is not to be construed as restricting what may lawfully be done apart from this section.
- (8) In this section, “permitted day of detention”, in relation to a pupil, means any of the following days—
- (a) a school day, other than a day on which the pupil has leave to be absent, and for this purpose “leave” means leave granted by a person authorised to do so by the governing body or proprietor of the school;
 - (b) a Saturday or Sunday during a school term, other than a Saturday or Sunday which falls during, or at a weekend immediately preceding or immediately following, a half-term break;
 - (c) a day (whether or not during a school term) which is set aside wholly or mainly for the performance of duties by members of the staff of the school other than teaching, other than such a day which is excluded by regulations made—
 - (i) in relation to England, by the Secretary of State, and
 - (ii) in relation to Wales, by the Assembly.

Textual Amendments

F1 Words in s. 92(3)(d) inserted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 5, 82(3)**; [S.I. 2012/84](#), **art. 2**

Modifications etc. (not altering text)

C1 S. 92(3)(b) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), **regs. 1(1), 12**

C2 S. 92(3)(d) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), **regs. 1(1), 12**

Commencement Information

I1 S. 92 in force at 1.4.2007 for E. by [S.I. 2007/935](#), **art. 4(a)**

I2 S. 92(1)-(7) (8)(a)(c) in force at 31.10.2010 for W. by [S.I. 2010/2543](#), **art. 2(d)**

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\(a\)](#)