



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 7

#### DISCIPLINE, BEHAVIOUR AND EXCLUSION

### CHAPTER 2

#### PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

##### *Parenting contracts and parenting orders*

#### **98 Parenting orders in case of exclusion or misbehaviour**

- (1) Section 20 of the Anti-social Behaviour Act 2003 (parenting orders in case of exclusion from school) is amended as follows.
- (2) In subsection (1), for “This section” substitute “ Subsection (2) ”.
- (3) In subsection (2), for “A [<sup>F1</sup>local authority]” substitute “ A relevant body ”.
- (4) After subsection (2) insert—

“(2A) A relevant body may also apply to a magistrates' court for a parenting order in respect of a pupil at a relevant school if—

- (a) it appears to the body making the application that the pupil has engaged in behaviour which would warrant the exclusion of the pupil from the school on disciplinary grounds for a fixed period or permanently, and
- (b) such conditions as may be prescribed in regulations made by the appropriate person are satisfied.

(2B) For the purposes of subsection (2A), there are to be disregarded—

- (a) any practice restricting the use of exclusion at a particular school, or at schools of a particular description, and

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**Changes to legislation:** *Education and Inspections Act 2006, Section 98 is up to date with all changes known to be in force on or before 04 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*

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- (b) any grounds that might exist for not excluding the pupil, to the extent that those grounds relate to his education or welfare after exclusion.”
- (5) For subsection (3) substitute—
  - “(3) If an application is made under subsection (2) or (2A), the court may make a parenting order in respect of a pupil if it is satisfied—
    - (a) in the case of an application under subsection (2A), that the pupil has engaged in behaviour of the kind mentioned in that subsection, and
    - (b) in any case, that the making of the order would be desirable in the interests of improving the behaviour of the pupil.”
- (6) After subsection (8) insert—
  - “(9) In this section “a relevant body” means—
    - (a) a [<sup>F1</sup>local authority],
    - (b) the governing body of any relevant school in England at which the pupil to whom the application relates is a pupil or from which he has been excluded.”
- (7) In the heading, after “exclusion” insert “ or potential exclusion ”.

#### Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

#### Commencement Information

- I1** S. 98 in force at 1.9.2007 for E. by [S.I. 2007/1801](#), **art. 3(c)**  
**I2** [S. 98](#) in force at 31.10.2010 for specified purposes for W. by [S.I. 2010/2543](#), **art. 2(h)**  
**I3** [S. 98](#) in force at 5.1.2011 for W. in so far as not already in force by [S.I. 2010/2543](#), **art. 3(a)**

**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\(a\)](#)