



# 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*

#### <sup>F1</sup>61 Responsibility of governing body and head teacher for discipline.

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#### Textual Amendments

**F1** S. 61 repealed (1.4.2007 for E., 1.1.2009 for W. for specified purposes, 31.10.2010 for W. in so far as not already in force) by Education and Inspections Act 2006 (c. 40),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); S.I. 2009/2545, art. 3(2)(b)(d); S.I. 2010/2543, art. 2(f)(m)

#### 62 [<sup>F2</sup>Local authority]’s reserve power to prevent a breakdown of discipline.

(1) The [<sup>F2</sup>local authority][<sup>F3</sup>in England] may, in the circumstances mentioned in subsection (2) or where [<sup>F4</sup>subsection (2A) <sup>F5</sup>...] 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—

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- (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>F6</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.]

[<sup>F7</sup>(3) . . . . .]

- (4) Steps taken by a [<sup>F2</sup>local authority] under subsection (1) may include the giving of any direction to the governing body or head teacher.

[<sup>F8</sup>(5) In this section “maintained school” includes a maintained nursery school.]

#### Textual Amendments

- F2** Words in Act 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. 10(2)** (with Sch. 2 para. 10(4))
- F3** Words in s. 62(1) inserted (W.) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(a)(i)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F4** 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)
- F5** Words in s. 62(1) omitted (W.) (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(a)(ii)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F6** 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)
- F7** S. 62(3) omitted (W.) (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(b)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F8** 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.

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

- C1** 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)**
- C2** S. 62 modified (W.) (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), **6(1)(c)**

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- C3** 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**
- C4** S. 62(1)(2) applied (with modifications) (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 6**
- C5** S. 62(1)(2) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 9**
- C6** 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**
- C7** S. 62(4) applied (with modifications) (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 6**
- C8** S. 62(4) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 9**

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**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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)