



Education Act 1997

1997 CHAPTER 44

PART II

SCHOOL DISCIPLINE

Detention

5 Detention outside school hours lawful despite absence of parental consent.

After the section 550A inserted in the ^{M1}Education Act 1996 by section 4 of this Act there shall be inserted—

“ Detention

550B Detention outside school hours lawful despite absence of parental consent.

- (1) Where a pupil to whom this section applies is required on disciplinary grounds to spend a period of time in detention at his school after the end of any school session, his detention shall not be rendered unlawful by virtue of the absence of his parent's consent to it if the conditions set out in subsection (3) are satisfied.
- (2) This section applies to any pupil who has not attained the age of 18 and is attending—
 - (a) a school maintained by a local education authority;
 - (b) a grant-maintained or grant-maintained special school; or
 - (c) a city technology college or city college for the technology of the arts.
- (3) The conditions referred to in subsection (1) are as follows—
 - (a) the head teacher of the school must have previously determined, and have—
 - (i) made generally known within the school, and

Status: Point in time view as at 02/09/2002.

Changes to legislation: Education Act 1997, Cross Heading: Detention is up to date with all changes known to be in force on or before 15 July 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)

- (ii) taken steps to bring to the attention of the parent of every person who is for the time being a registered pupil there, that the detention of pupils after the end of a school session is one of the measures that may be taken with a view to regulating the conduct of pupils;
- (b) the detention must be imposed by the head teacher or by another teacher at the school specifically or generally authorised by him for the purpose;
- (c) the detention must be reasonable in all the circumstances; and
- (d) the pupil’s parent must have been given at least 24 hours’ notice in writing that the detention was due to take place.
- (4) In determining for the purposes of subsection (3)(c) whether a pupil’s detention is reasonable, the following matters in particular shall be taken into account—
- (a) whether the detention 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 religious requirements affecting him, and
- (iv) where arrangements have to be made for him to travel from the school to his home, whether suitable alternative arrangements can reasonably be made by his parent.
- (5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude a notice from being given to a pupil’s parent under this section by any other effective method.”

Commencement Information

II S. 5 wholly in force at 1.9.1998 see s. 58(3) and [S.I. 1998/386, arts. 2\(4\), 4, Sch. 1 Pt. IV, Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

Marginal Citations

M1 1996 c. 56.

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