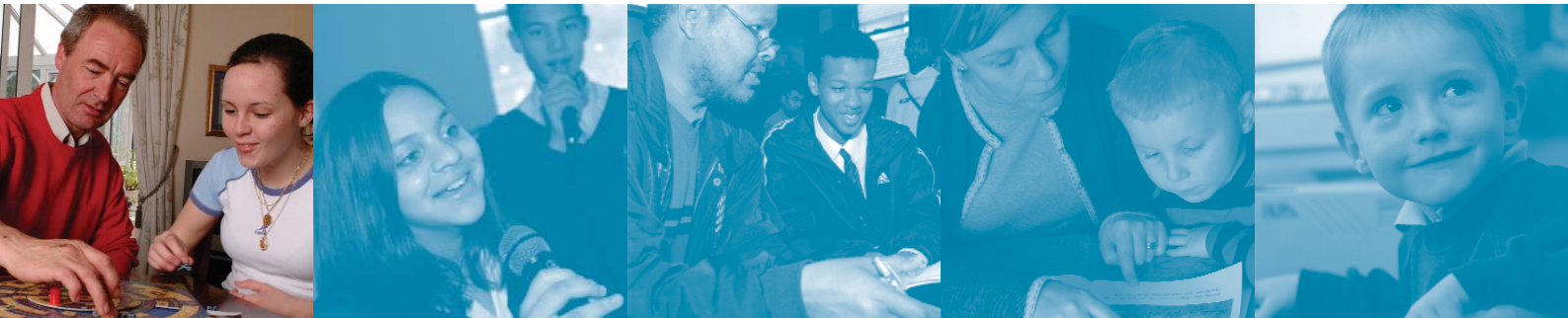


# School Discipline



## Summary:

**The Practitioners' Group on School Behaviour and Discipline – a group of experienced headteachers and senior teachers – has examined these issues in detail. We will implement their recommendations by:**

- introducing a clear and unambiguous legal right for teachers to discipline pupils, including re-affirmation of the right to restrain pupils using reasonable force, backed by an expectation that every school has a clear set of rules and sanctions;
- extending parenting orders, so that schools can use them to make parents take responsibility for their children's bad behaviour in school;
- expecting parents to take responsibility for excluded pupils in the first five days of an exclusion, by ensuring their children are supervised doing schoolwork, with fines for parents if excluded pupils are found in a public place during school hours;
- expecting headteachers collectively to develop on and off-site alternative provision for suspensions longer than five days, with all exclusions properly recorded;
- requiring local authorities to make full-time provision for permanently excluded pupils after five days; and
- making discipline a key factor in evaluating school performance.

- 7.1** Good discipline is vital in school. Without it, it is impossible for teachers to teach and for pupils to learn. Good schools already have clear discipline and behaviour codes in place, where everybody knows what is expected of them – and what the sanctions are for misbehaviour.
- 7.2** We want this best practice to be shared by every school. That is why we invited the Practitioners' Group on School Behaviour and Discipline – a group of experienced headteachers and senior teachers led by Sir Alan Steer – to examine these issues in detail. Their report, published on 21 October, warmly welcomes a number of our programmes to improve behaviour in schools. It confirms that the quality of teaching and learning is inseparable from behaviour in schools and that school leaders, school staff and parents all have a crucial role to play in establishing and maintaining high standards of behaviour.
- 7.3** We will work with the professional associations, local authorities and other partners to disseminate the Group's findings on good practice and to ensure that they are embedded in every school. The Group also makes a number of detailed policy recommendations, and these have led to many of the proposals in this chapter.

### **Progress since 1997**

- 7.4** This Government is the first to implement a comprehensive national strategy for improving behaviour in schools. We are:
- backing the authority of headteachers to impose discipline. We have confirmed headteachers' power to exclude a pupil permanently for serious misbehaviour (even for a first offence) and have reformed exclusion appeal panels to strike a better balance between the interests of the individual and the school community as a whole;
  - providing schools with guidance and training materials, supported by expert advice through the National Strategies;
  - providing extra resources through Excellence in Cities, the Behaviour Improvement Programme and other channels to support schools facing the greatest challenges (see box below);
  - improving the quality of out-of-school provision through guidance to schools and local authorities on their respective roles and responsibilities in managing alternative provision; and
  - reinforcing parents' responsibility for their children's behaviour. We have enabled schools and local authorities to make parenting contracts with parents whose children have been excluded for misbehaviour; and local authorities to apply for court-imposed parenting orders for parents of excluded pupils.

We now have:

- 12,000 learning mentors;
- 1,500 in-school learning support units;
- 400 Safer School Partnerships, placing police officers in schools;
- 140 multi-agency Behaviour and Education Support Teams;
- 14,500 places in out-of-school Pupil Referral Units (compared with 7,500 in 1997); and
- A requirement on local authorities to make full-time educational provision for all permanently excluded pupils from the sixteenth day of their exclusion.

**7.5** We are clear that there must be zero tolerance of both serious and lower-level discipline and behaviour issues. We are further strengthening our existing approach through:

- legislating to give headteachers new powers to search pupils for knives and other weapons;
- sharpening the focus on those secondary schools where Ofsted have judged standards of behaviour to be unsatisfactory. Over 200 expert National Strategies' behaviour consultants are now supporting and challenging these schools. Ofsted is making follow-up visits within a year to check on progress; and
- encouraging schools to form or join partnerships with other schools to improve behaviour and reduce persistent truancy. Such partnerships will be able to use pooled funding from the schools' delegated budgets and funding devolved from the local authority to plan, provide and drive up the quality of alternative provision.

**7.6** While 74% of secondary schools now have good or better behaviour according to Ofsted, 20% have behaviour that is only satisfactory and 6% have behaviour that is unsatisfactory or worse. This is often caused by too little consistency in dealing with poor behaviour, particularly the low-level disruption to lessons – back chat, rudeness, calling out in class – that makes teaching and learning more difficult, saps morale and is widely cited by teachers as a key reason for leaving the profession. Ofsted confirm that this is by far the most common type of misbehaviour. Any practical discipline and behaviour strategy must therefore deal with low-level disruption as well as more serious misbehaviour. It must also deal with those parents that do not take their responsibilities seriously enough; and even question the teacher's right to discipline their child.

- 7.7** Therefore, we will implement the key Steer Group proposals and reinforce the importance of robust discipline and behaviour policies in schools. Although more pupils attend school than ever, we will bear down on the small hard core of persistent truants. And we will make it clear that bullies should be punished.

### **The right to discipline**

- 7.8** We will introduce a clear and unambiguous legal right for teachers to discipline pupils, backed by an expectation that every school has a clear set of rules and sanctions. This was originally recommended by the Elton committee in 1989, but was not implemented by the Government of the day. Since then many heads and teachers have found that their authority is being challenged by violent and threatening parents, who question their decision to punish, detain or suspend badly-behaved youngsters. Moreover, the current law is based on the *in loco parentis* principle and the supporting case law is now quite old.
- 7.9** There is no place for ambiguity when it comes to the right of teachers to discipline children. We have already published guidelines on teachers' rights to restrain pupils. Now we believe that the right to discipline should be set down clearly in law so that no parent can again question a teacher's authority on this matter, when he or she is acting reasonably. We will consult with schools and teachers on how we frame the new law.

### **Parents must take their responsibilities seriously**

- 7.10** Most parents recognise that it is their responsibility to ensure that their child behaves well. But this is not true for all parents: some parents refuse to take their parental responsibilities seriously; others feel unable to do so, because they have never been shown how.
- 7.11** Since February 2004, parenting contracts and parenting orders have been available to reinforce parents' responsibilities following the exclusion of their children. Schools, local authorities and parents have already agreed more than 400 contracts – feedback has been positive. We will allow parenting contracts to be used earlier in order to tackle poor behaviour before exclusions occur. Parenting orders, for parents that will not engage with voluntary measures, compel parents to attend a parenting programme and comply with any other conditions imposed by the court. We will extend parenting orders, so that schools can use them to make parents take responsibility for their children's bad behaviour in school and so that they can be used for serious misbehaviour where the pupil has not been excluded.

### **Excluded pupils**

- 7.12** There are now 10,000 permanent exclusions and 344,000 suspensions (fixed-period exclusions) each year, involving 200,000 individual pupils. This is a crucial

sanction for headteachers, and an important part of any discipline code. But it is also crucial that each suspension is seen as a serious punishment, both by the pupil and his or her parents.

- 7.13** We will build on the recommendations from the Steer Group and establish a new regime for suspended pupils. We will expect parents to take responsibility for excluded pupils in the first five days of an exclusion (by ensuring that their children are supervised doing schoolwork at home or, for example, at a relative's house) and will introduce a new offence, with fines for parents if excluded pupils are found in a public place during school hours. We will also legislate to implement the Group's recommendation that reintegration interviews following any exclusion from a primary or special school or exclusions of five days or more from a secondary school should be mandatory for parents.
- 7.14** We will expect headteachers to use their delegated and devolved funding collectively to develop on and off-site alternative provision for suspensions longer than five days. We will also insist that all exclusions are properly recorded. We agree with the Steer Group's recommendation that there should be a proper focus at national level on the professional development of staff in Pupil Referral Units (PRUs) and alternative provision, as part of our drive to improve the quality.
- 7.15** Local authorities are currently required to provide permanently excluded pupils with a full time education from the sixteenth day of their exclusion. We will require local authorities to make such provision from the sixth day.

## **Pupil Referral Units**

The Pupil Referral Units in Wycombe Grange in High Wycombe and Chess Valley Grange in Chesham provide education and support to pupils who have been excluded from school or are unable to attend. This includes pupils who have been excluded for all or part of the week, those who are out of school due to chronic illness, pregnant teenagers and young mothers. The Wycombe Grange Unit received the DfES Raising Achievement Award for three years running. It is a fully accredited "Healthy School" and in 2003 achieved The Buckinghamshire Swan Award for Exceptional Pupil Progress.

The Units provide a wide range of services which effectively support young people by working in partnership with them, their parents, the local authority and an array of related professionals. They also provide support for pupils who risk social exclusion because they find it difficult to cope in a mainstream school setting. Both Units are well resourced and help deliver all elements of the National Curriculum, Foundation Subjects and an ever-increasing range of alternative provision.

Both sites have recently been graded 'outstanding' under the new Ofsted framework.

- 7.16** We have considerably reformed exclusion appeals panels, first set up by the previous administration in 1987, so that there is a stronger voice for serving and former headteachers, teachers and others with current or recent direct experience of schools. The result has been that, of nearly 10,000 permanent exclusions in 2003/04, just 130 students were reinstated on appeal.
- 7.17** We asked the Steer Group to tell us whether the panels should be completely replaced. Like many headteachers, the Group worry that their absence could see too many cases ending up in court. Instead, they have proposed reforms which will reduce the risk of cases being overturned on technicalities. Panels would have to:
- accept the judgement of headteachers and governors where it is clear that the pupil has committed the offence;
  - emphasise the need for headteachers and governors to be from the same phase of education as the excluding school; and
  - make training for clerks and chairs mandatory.

We will implement the Group's recommendations.

- 7.18** We continue to be concerned at the overrepresentation of black pupils in exclusion figures. The Group made strong recommendations designed to ensure that schools adhere to principles of equality and fairness when considering exclusion. We will work with local authorities and schools to take this forward.

### Putting schools in the lead

- 7.19** We believe that headteachers and schools should take the lead when it comes to local discipline policies. They should have the funding and the powers collectively to set up their own on or off-site alternative provision or pay others, including excellent voluntary providers, to provide them. They should be able to employ staff to monitor and enforce behaviour in their schools.
- 7.20** We have encouraged schools to form partnerships with other local schools to improve behaviour and reduce persistent truancy. We expect every secondary school to be part of such a partnership by September 2007. With those responsibilities, secondary schools will also be required to make arrangements for "hard to place" pupils, ensuring that no school takes an unreasonable share of children with challenging behaviour, including pupils who have been excluded from other schools.
- 7.21** School partnerships should develop good relationships with other providers and agencies, including children's social services to meet the full range of children's needs. These partnerships will contribute to the reform of children's services launched by *Every Child Matters: Change for Children*.

- 7.22** We accept the Group's advice that the new arrangements for school self-evaluation and accountability are an important means of improving the effectiveness of behaviour management. We will expect all schools to review their behaviour policy each year against established effective practice. We will work with Ofsted to make this a reality at the earliest opportunity. We will also explore with partners whether and how it would be helpful to develop a National Behaviour Charter, as recommended by the Group, to clarify the rights and responsibilities of pupils, parents and staff in promoting good behaviour in schools.
- 7.23** We agree with the Group that we should review whether or not to extend the right to search pupils without consent to include drugs and stolen property, in the light of schools' experience in implementing the new right to search for weapons.

### **A whole-school approach to improving behaviour**

In 2000 Hillcrest School and Community College, Dudley, had only 80 children apply to attend the school – and even then, many as a third choice – after it had been in special measures for two years. Now, the school is oversubscribed. This year 450 pupils applied for the 150 places available following the implementation of a whole-school behaviour improvement strategy, developed and put in place by the leadership team.

The school has succeeded in minimising low-level disruption, tackling persistent misbehaviour and decreasing the number of exclusions. The creation of an internal exclusion room was an important part of this; helping to reduce classroom misbehaviour and repeat offences. The school day was also staggered, with half hour lunch periods that allowed for monitoring of children's diets and led to improved attendance and behaviour in the afternoons. A parent link worker is employed to support parents, strengthening links between school and home.

A mentoring and anti-bullying strategy using former Year 11 pupils allows the school to respond immediately to any issues raised by the mentor. The school is also better staffed to minimise the problems that can be associated with supply teachers and instability. Its social environment has been further improved with "buddy" support for new starters and rewards for good behaviour. The Headteacher, Dame Mo Brennan comments that; "Unless there is consistency within a school when it comes to the children's behaviour from all members of staff, then the school will be unable to combat behavioural problems. We have managed to implement a consistent approach to managing the student's behaviour and as a result there is a better understanding amongst the staff and between the staff and their students. This consistency has allowed us to combat unruly behaviour and create a better learning environment."

## Good teaching and vocational education

**7.24** Well-planned and well-delivered lessons inspire and engage pupils, minimising the risk that a minority will lose interest and drift into low-level disruption. There is no excuse for such bad behaviour, but it is also every school's responsibility to ensure its pupils receive a tailored education, matching their individual strengths and weaknesses. Our proposals to personalise learning, set out in Chapter 4, are an important plank in our overall strategy to instil good behaviour in every school.

### Learning Support Units

Nottingham City Local Authority has invested in Learning Support Units (LSUs) that have seen most of the pupils who use the provision successfully re-integrated into mainstream. Of the 194 Key Stage 3 pupils accessing LSU provision in 2004, 22% achieved the desired level in English and 31% in maths. Over half of the 144 pupils achieved five or more GCSEs.

The LSU network in Nottingham finds the most appropriate curriculum to re-engage challenging pupils who have become disengaged with their learning in the school mainstream. Each of the 18 secondary schools in Nottingham City has at least one LSU for Key Stage 3 and/or 4 pupils.

Professor Saul Becker of Birmingham University has researched the therapeutic approaches used in the Nottingham City's LSUs and found them key to helping pupils return to mainstream provision successfully: "The key elements are the relationships that pupils make with LSU staff, the safe, positive and supportive environment that is established and the time available for pupils' needs to be addressed through individual and small group work."

**7.25** We will also ensure that there is curriculum flexibility, so that all pupils can benefit from the style and pace of learning that fits with their aptitudes, interests and learning styles. The *14-19 Education and Skills White Paper* set out our plans to review the Key Stage 3 curriculum, creating more time to stretch the more able and support those who are behind. The White Paper also set out our plans to develop a strongly work-focused programme for those 14-16 year-olds most at risk of disengagement. We will pilot the new programme from 2006 and expect to make it available to up to 10,000 young people from 2007/08. The programme will have an important role in re-engaging some of our most disaffected young people.

## Strengthening the links between home and school

**7.26** We are sympathetic to the case the Group makes for all schools to develop the function of a Pupil and Parent Support Worker to work with parents and pupils in



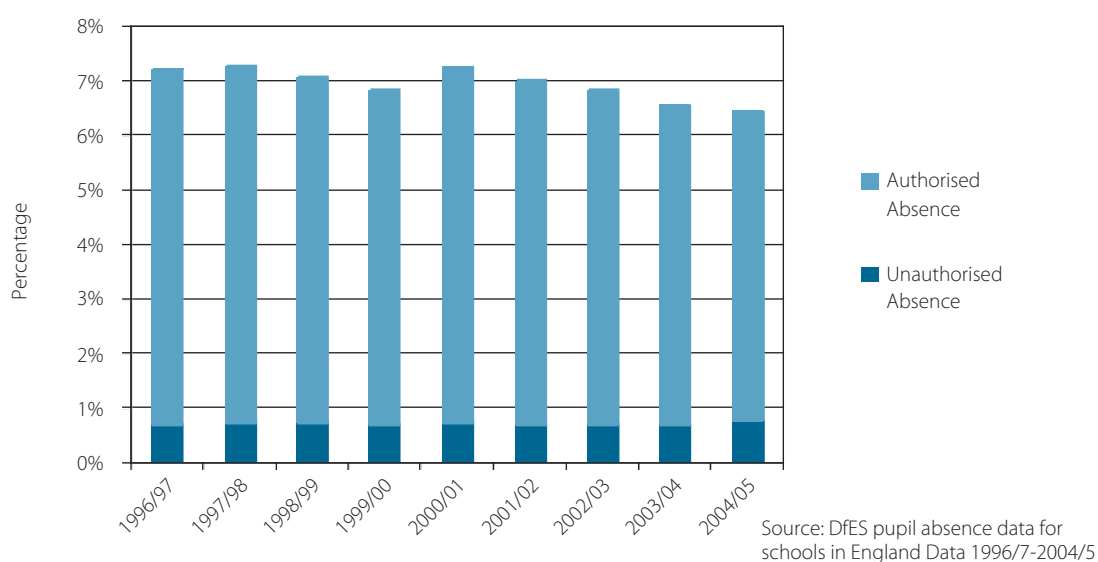
cases of misbehaviour. We will consider with partners how this function might be developed, building on existing learning mentors and using the flexibility created by the reforms we have made to the nature of the school workforce (see Chapter 8).

**7.27** Parents can feel frustrated when they have serious concerns about behaviour and the school is not willing to act. We set out in Chapter 5 our proposals for ensuring that parents have access to clear, local complaints procedures, including, where appropriate, the ability to trigger action by Ofsted.

## Tackling truancy

**7.28** Truancy blights the lives of young people and reduces their chances of achieving at school and beyond. Truants can make the lives of others a misery and those who truant persistently are more likely than others to turn to crime or to end up unemployed.

**Absence from Primary and Secondary Schools 1996/97-2004/05**



**7.29** There are two strands to school attendance. The first is where parents seek permission to take children out of school during term, perhaps for a family holiday. Such absence can disrupt a child’s education, not least when it is at a crucial stage in their school career. We have encouraged schools to discourage such term-time activities; often, permission is now refused.

**7.30** We have also encouraged schools to tighten procedures for monitoring and managing absence. We have supported the development of e-registration, which helps schools identify absence trends at class and individual pupil level as a basis for early intervention.

**7.31** As a result, we have improved school attendance overall. Absence rates have fallen for four years in succession since 2000/01, to a new record low rate of

6.45%. This reduction in absence equates to an average of 54,000 more pupils in school every single day.

- 7.32** But there is a smaller, more worrying strand. Unauthorised absence is made up of pupils deliberately skipping school and parents keeping their children away from school without permission. The level of unauthorised absence has stubbornly failed to fall, despite the introduction by schools of better registration systems and earlier notification to parents.
- 7.33** We will clamp down on truancy. Parents will be more strongly discouraged from condoning truancy, through greater use of fines and further truancy sweeps in urban areas.
- 7.34** However, at the heart of this problem is a hard core of persistent truants. Research in inner city secondary schools found that 2% of pupils accounted for nearly half of all unauthorised absence in those schools. We have begun immediate action in the 146 secondary schools attended by 8,000 known truants. We will expect each of these schools to detect and prevent truancy in its earliest stages.

### Tackling truancy

In 2002/03 absence at Filsham Valley Community School was 11.9% – over 40% higher than the national level for secondary schools. But by making a concerted effort to tackle truancy, absence fell by 20% in 2003/04, and further in 2004/05, to 8.6% – close to the national average.

The school's systems for recording and monitoring attendance were satisfactory; the school felt that too many parents had been condoning their child's absence. Supported by East Sussex Local Authority, the school used the *Fast-track to Attendance* model to address this. Following an initial push, with a formal attendance panel held on a weekly basis, the school increasingly engaged parents in discussion regarding absence using regular telephone contact, empowering them to act. This also enabled the school and its Education Welfare Officer to deal with poor attendance more quickly and effectively and to prosecute where progress was inadequate. The engagement of pupils was achieved through curriculum development, a clear rewards system focussed on attendance and mentoring and support.

### Tackling bullies

- 7.35** A significant part of the discipline problem in schools is caused by bullies, who make their fellow pupils' lives a misery. Bullying has no place in schools – and every school has a responsibility to make this clear to pupils, parents and teachers.

**7.36** Schools should set out their response to bullying as part of their discipline code, with punishments and sanctions set out clearly for all to see. Schools should act decisively to send a clear message to the bully, parents and pupils that such behaviour will not be tolerated. We will accept the Steer Group's recommendation and will issue further advice on tackling bullying motivated by prejudice, including racism and homophobia. Victims must see that when they have had the courage to report bullying, their complaints are acted upon. Victims should not be made to feel that they are to blame: responsibility should be directed where it belongs.

**7.37** We take bullying very seriously. We have done much to help schools to reduce and respond to bullying. Central to this drive is the Anti-Bullying Charter for Action. The Steer Group has recommended that the Charter be re-issued to schools every two years, to sustain momentum. We accept this recommendation and shall be circulating the Charter to all schools this year during Anti-Bullying Week. We are looking to all schools to demonstrate their commitment by signing up to and implementing the Charter.

**7.38** As part of their discipline policy, schools should have a range of sanctions to deal with bullying, which should be fairly and consistently applied. These might include:

- removal from the group (in class);
- withdrawal of break and lunchtime privileges;
- detention;
- withholding participation in any school trip or sports events that are not an essential part of the curriculum; or
- fixed period exclusion.

Where violence takes place, schools should be ready to involve the police, and in the most severe cases, they should exclude pupils permanently.

### **Pupils with BESD**

**7.39** There is a small group of pupils with severe or complex behavioural, emotional and social difficulties (BESD). We want to ensure that the underlying causes of their behaviour are identified as early as possible so that these children can access multi-agency support. We accept the Steer Group's recommendation that further investigation is required to determine how we might improve BESD provision.