

## **A Summary of Behaviour & Discipline in Schools: Advice for headteachers and school staff in maintained schools**

This guidance has been prepared by Vanessa Nice, Head of Halton Behaviour Support Service. It is intended as a summary of the DfE advice updated in January 2016. The full document can be read [here](#). This advice is statutory and sets out schools' responsibilities with regard to behaviour.

- This document applies to all schools in England, regardless of designation.
- Schools must have a behaviour policy which includes the school rules. This **must** include sanctions and rewards. It **must** be published on the school's website.

### **Key Points**

*A clear school behaviour policy, consistently and fairly applied, underpins effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils at all times. The behaviour policy should be supported and backed-up by senior staff and the head teacher.*

All paid staff have the power to discipline for misbehaviour that happens in school (and out of school in some cases) unless the headteacher says otherwise.

Due consideration must be given to safeguarding at all times.

The behaviour policy must include measures to:

- Promote good behaviour, self-discipline and respect;
- Prevent bullying;
- Ensure that pupils complete assigned work;
- Regulate the conduct of pupils.

The Headteacher must take account of the governing body's statement of behaviour principles. (This may include screening & searching of pupils, the power to use reasonable force, the power to discipline beyond the school gate, when to work with local agencies to assess the needs of pupils who display continuous disruptive behaviour and pastoral care for staff accused of misconduct).

The Headteacher must decide the expected standard of behaviour. They must also determine the school rules and disciplinary penalties for breaking the rules.

The Headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

### **The Behaviour Policy**

Policy should be clear and well understood by staff, parents and pupils. **Consistency is key.**

Headteachers should reflect on the following 10 points when developing the policy:

1. A consistent approach to behaviour management;
2. Strong school leadership;
3. Classroom management;
4. Rewards and sanctions;
5. Behaviour strategies and the teaching of good behaviour;
6. Staff development and support;
7. Pupil support systems;
8. Liaison with parents and other agencies;
9. Managing pupil transition; and
10. Organisation and facilities.

The policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

The policy should acknowledge the school's legal duties under the Equality Act 2010.

### Staff Powers

School staff have a statutory authority to discipline pupils whose behaviour is unacceptable, who break school rules or who fail to follow a reasonable instruction (Section 90 & 91 of the Education & Inspections Act 2006).

This power applies to all paid staff (unless the Headteacher says otherwise) and any unpaid volunteer if the headteacher gives permission.

Staff can discipline pupils at any time the pupil is in school or elsewhere under the charge of a member of staff, including on school visits.

Staff can impose detention outside school hours;

Staff can confiscate pupils' property;

Staff can discipline pupils if misbehaviour occurs outside school in the following circumstances:

- The pupil is taking part in a school-organised activity;
- The pupil is travelling to or from school;
- The pupil is wearing school uniform or is identifiable as a pupil of the school;
- The incident has an impact on the reputation of the school;
- The incident has an impact on the ability to maintain good order during school;
- Poses a threat to a member of the public or another pupil.

Staff can impose punishment if the pupil's behaviour falls below the standard which could reasonably be expected of them. To be lawful, the punishment **must** satisfy the following 3 conditions:

1. The decision must be made by a paid member of staff (the power to apply limited punishments may be given to volunteers in certain circumstances);
2. The decision to punish and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff;

3. It must not breach any other legislation and must be reasonable in all circumstances. It must be proportionate, taking into account the pupil's age, any special needs, disability of religious requirements of them.

Schools should always consider whether the behaviour being demonstrated gives cause to suspect that a child is suffering or is likely to suffer significant harm and should follow the school's safeguarding policy.

Schools should consider behaviour as a form of communication and should consider whether it might be as a result of unmet needs. In such cases, schools should consider whether a multi-agency assessment is necessary.

### Sanctions

A section on this **must** be included in your behaviour policy.

Good schools encourage good behaviour through a mix of high expectation, clear policy and an ethos which fosters discipline and mutual respect between pupils and between staff and pupils.

Schools should have rewards in place and should praise good behaviour.

Schools should have clear sanctions in place for those who do not comply with the published policy. The sanctions should be reasonable and proportionate, taking into account the age of the pupil and other special circumstances that affect the pupil. Sanctions should be applied consistently and should be graduated in severity.

### Suggested Sanctions

- A verbal reprimand.
- Extra work or repeating unsatisfactory work until it meets the required standard.
- The setting of written tasks as punishments, such as writing lines or an essay.
- Loss of privileges – for instance the loss of a prized responsibility or not being able to participate in a non-uniform day (sometimes referred to as 'mufti' days).
- Missing break time.
- Detention including during lunch-time, after school and at weekends.
- School based community service or imposition of a task – such as picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti.
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed "on report" for behaviour monitoring.
- In more extreme cases schools may use temporary or permanent exclusion.

### Detentions

A section on this **should** be included in your behaviour policy.

Schools have the power to impose detentions but **must** make it clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction. These detentions can take place at the following times:

- Any school day when the pupil does not have permission to be absent;
- Weekends (except the weekend preceding or following the half term break);
- INSET days

Headteachers can limit the power to impose detentions to key members of staff if they wish to.

Parental consent is not required for detentions.

If a lunchtime detention is given, the pupil must be given time to eat, drink and use the toilet.

When considering a detention outside of school hours, schools should satisfy themselves that doing so would not compromise the child's safety or put the child at risk. Inconvenience for the parent would not be a factor in this decision.

### Confiscation of inappropriate items

A section on this **should** be included in your behaviour policy.

Legislation found [here](#) gives more information about the right to search, screen and confiscate.

Staff can confiscate, retain or dispose of pupil's property as a punishment so long as it is reasonable in the circumstances. They are protected from liability for loss or damage to confiscated items as long as they have acted lawfully. The school behaviour policy **should** set out what must be done with confiscated items

Staff can search pupils without consent for prohibited items including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property; and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

### Reasonable Force

A section on this **should** be included in your behaviour policy.

Government guidance [here](#) sets out the power to use reasonable force in more detail.

Staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, damaging property and to maintain food order and discipline in the classroom.

Authorised staff can use reasonable force to search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that may have been used or could be used to commit an offence or cause harm but not for additional items 'banned' by the school.

### Seclusion or Isolation rooms

Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period. If this is the case, it **should** be made clear in the behaviour policy. Schools must act reasonably in all circumstances and should only prevent a pupil from

leaving the room of their own free will only in exceptional circumstances and must always consider the health, safety, safeguarding and wellbeing of pupils.

Individual schools can decide how long a pupil should be kept in isolation and to decide what they should do while they are there. Their time there should not be any longer than necessary and should be used as constructively as possible. They should be allowed time to eat and to go to the toilet.