



Department
for Education

Ensuring good behaviour in schools

**A summary for head teachers,
governing bodies, teachers,
parents and pupils**

Ensuring good behaviour in schools

A summary for head teachers, governing bodies, teachers, parents and pupils

Introduction

The role of the Government is to give schools the powers they need to provide a safe and structured environment in which teachers can teach and children can learn.

The Government expects:

- all pupils to show respect and courtesy towards teachers and other staff and towards each other;
- parents to encourage their children to show that respect and support the school's authority to discipline its pupils;
- head teachers to help to create that culture of respect by supporting their staff's authority to discipline pupils and ensuring that this happens consistently across the school;
- governing bodies and head teachers to deal with allegations against teachers and other school staff quickly, fairly and consistently in a way that protects the pupil and at the same time supports the person who is the subject of the allegation; and
- that every teacher will be good at managing and improving children's behaviour.

This document summarises the legal powers and duties that govern behaviour and attendance in school and explains how they apply to teachers, governing bodies, pupils and parents.

The behaviour policy

Every school must have a behaviour policy¹. The **governing body** is responsible for setting general principles that inform the behaviour policy. The **governing body** must consult the **head teacher**, **school staff**, **parents** and **pupils** when developing these principles.

Head teachers are responsible for developing the behaviour policy in the context of this framework. They must decide the standard of behaviour expected of **pupils** at the school and how that standard will be achieved, the school rules, any disciplinary penalties for breaking the rules and rewards for good behaviour. The behaviour policy must include measures to prevent all forms of bullying among **pupils**. **Head teachers** must publicise the school behaviour policy, in writing, to **staff**, **parents** and **pupils** at least once a year.

Powers to discipline²

Teachers, **teaching assistants** and **other paid staff** with responsibility for pupils have the power to discipline **pupils** whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction.

Their power to discipline applies to pupil behaviour in school and outside school, in certain circumstances.

Punishment

Teachers, **teaching assistants** and **other paid staff** with responsibility for pupils can impose any reasonable disciplinary penalty in response to poor behaviour. Reasonable penalties can include: confiscation, retention or disposal of a pupil's property; and detention. **Head teachers** can also decide to **exclude a pupil for a fixed period** (to **suspend**) or to **permanently exclude** them.

Searching pupils³

School staff can search **pupils** with their consent⁴ for any item.

Head teachers and **staff authorised by the head teacher** have the power to search **pupils** or their possessions, without consent, where they suspect the pupil has a "prohibited item". Prohibited items are:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers

¹ Section 89 of the Education and Inspections Act 2006 for maintained schools and the Independent Schools Standards Regulations 2010 for Academies and Free Schools. What follows is a description of how the law works for maintained schools.

² Applies to all maintained schools, Academies and Free Schools.

³ Applies to all maintained schools, Academies and Free Schools.

⁴ The ability to give consent may be influenced by the child's age or other factors.

- 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
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Use of reasonable force⁵

All **school staff** have the power to use reasonable force to prevent **pupils** committing an offence, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom.

Head teachers and **staff authorised by the head teacher** can use such force as is reasonable when searching a pupil without consent for prohibited items except where the search is for an item banned by the school rules.

Allegations of abuse against staff

Allegations of abuse must be taken seriously, but schools should ensure they deal with allegations quickly in a fair and consistent way that provides effective protection for the child and supports the person who is the subject of the allegation. Every effort must be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Suspension must not be used as an automatic response when an allegation has been reported.

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

Exclusion⁶

It is for the head teacher to decide whether to exclude a pupil, for a fixed term or permanently, in line with the legal requirements on the use of exclusion and having regard to statutory guidance.

Statutory guidance on exclusion is provided by the Department's guidance: *Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion*, 2012.⁷

⁵ Applies to all maintained schools, Academies and Free Schools.

⁶ Applies to maintained schools, pupil referral units and Academies / Free schools through s51A of the Education Act 2002 and regulations made under this legislation.

⁷ The statutory guidance and regulations applying to exclusion are available on the Department's website - <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

Parents have the right to make representations to the governing body (or discipline committee) about an exclusion and the governing body must review the exclusion decision in certain circumstances, which includes all permanent exclusions. Where a governing body upholds a permanent exclusion parents have the right to request that an independent review panel reviews this decision. Parents may also make a claim of discrimination in respect of an exclusion, either to the First-tier Tribunal in relation to disability discrimination or the County Court in relation to other forms of discrimination.

Schools are under a duty to arrange suitable full-time education for an excluded pupil from the sixth school day of any fixed period exclusion of more than five school days. Local authorities are under a duty to arrange suitable full-time education from the sixth school day of a permanent exclusion.

Parents⁸

Schools are required to have, and to ask parents to sign, a Home School Agreement that outlines the responsibilities of the **parent** and the **school**; including those around behaviour and attendance.

Parents are under a legal duty to ensure that their child (aged 5-16) receives a suitable full-time education either at a school or by making other suitable arrangements.

Where a child is not a registered pupil and other suitable arrangements are not made, the **parent** may receive a school attendance order from the **local authority** requiring them to register their child at a school.

For school-registered **pupils** or those attending Pupil Referral Units (PRUs), **parents** must ensure that their child attends punctually and regularly. If they do not, the **school** or **local authority** may ask them to sign a parenting contract or may issue a penalty sanction of £50 (rising to £100). The **local authority** may also prosecute a parent who fails to ensure their child's regular school attendance or apply to the courts for an education supervision order in respect of the **pupil** himself/herself.

Parents have a clear role in making sure their child is well behaved at school. If they do not, the **school** or **local authority** may ask them to sign a parenting contract or may apply for a court-imposed parenting order.

Parents must take responsibility for their child, if excluded, and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the **school** or **local authority** may issue a penalty sanction of £50 (rising to £100).

Parents must also ensure that their child attends the suitable full time education provided by the school governing body or the local authority from the sixth day of exclusion.

Parents are expected to attend a reintegration interview following any fixed period exclusion from primary school and any fixed period exclusion of more than five days from secondary school. Failure to attend may make it more likely that the court will impose a parenting order if the **school** or **local authority** apply for one.

⁸ References to parent or parents are to fathers as well as mothers, unless otherwise stated.



Department
for Education

© Crown copyright 2012

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at psi@nationalarchives.gsi.gov.uk.

This document is also available from our website at www.education.gov.uk.

Reference: DFE-57502-2012