

An Overview of the Powers and Duties of Schools to Manage Behaviour and Discipline Pupils

The DfE Guidance – Behaviour and Discipline in Schools (January 2016) outlines the rules and powers schools have and describes how schools should manage behaviour.

The key points include:

Teachers and all paid staff have the power to discipline pupils for misbehaviour in school and in some circumstances outside of school.

Schools must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions which aims to:

- regulate the conduct of pupils
- promote good behaviour, self-discipline and respect
- prevent bullying
- ensure that pupils complete assigned work

The head teacher must have regard to any guidance or notification provided by the governing body which may include the following:

- screening and searching pupils
- the power to use reasonable force and other physical contact
- the power to discipline beyond the school gate
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour
- The head teacher must decide the standard of behaviour expected of pupils at the school and any disciplinary penalties for breaking the rules. When poor behaviour is identified, sanctions should be implemented consistently and fairly in line with the behaviour policy. Good schools will have a range of disciplinary measures clearly communicated to school staff, pupils and parents. These can include:
 - 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 litter picking, weeding school grounds, tidying a classroom, clearing up 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 **Fixed Term** or **Permanent Exclusion**

Fixed Term exclusions – Normally between 0.5 of a school day up to 5 school days depending on the severity of the behaviour or repeated nature to a maximum of 45 days in a school year following which the pupil must be permanently excluded.

Permanent Exclusions - DfE Guidance for Permanently Excluding a Child. (Extracts from: Exclusion from maintained schools, academies and pupil referral units in England, September 2017)

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government and the Local Authority supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort:

- **in response to a serious breach or persistent breaches of the school's behaviour policy; and**
- **where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.**
- Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds.
- The decision to exclude a child must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against children on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of children from groups who are vulnerable to exclusion such as CLA, CIN, travellers and looked after children.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a child's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the child's educational needs is required.
- The law does not allow for extending a fixed-period exclusion or ‘converting’ a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- Following the issue of a permanent exclusion representations can be made to the head teacher to withdraw the permanent exclusion up until the governor discipline review meeting is held.
- The discipline review meeting must be held within 15 school days of the issue of the permanent exclusion and affords the opportunity of the pupil and parents to make

representation and the meeting can either uphold or revoke the head teacher's decision to permanently exclude the pupil.

- From the 6th school day following permanent exclusion the local authority is required to provide fulltime equivalent education to the pupil.
- Data over recent academic years in respect of the number of fixed-term and permanent exclusions in each Middlesbrough school (both primary and secondary), is included with these papers.