

England

New powers to discipline pupils

Schools now have new statutory powers to discipline badly-behaved pupils. These measures form part of the Education and Inspections Act 2006 and represent the first major change to teachers' guidelines on discipline for a decade.

Prior to the Act, teachers were allowed to restrain pupils under common law, with the same authority as parents. But teachers have complained that the previous guidelines on discipline were not clear enough and they did not always know if they had the law on their side.

The new measures include:

- the legal right to confiscate inappropriate items from pupils such as mobile phones or music players;
- statutory powers to discipline pupils who behave badly on the way to and from school, for instance when travelling on buses and trains;
- greater legal scope and flexibility in giving pupils detentions, which may include after-school and Saturday detentions;
- a legal duty on schools to make provision to tackle all forms of bullying.

Using 'reasonable force'

The Education and Inspections Act 2006 strengthens the legal power for teachers and other school staff to use 'reasonable force' to prevent pupils from committing a crime or causing injury, damage, or disruption. This power was first enshrined in the Education Act 1996.

There is no legal definition of reasonable force. In exceptional circumstances where there is an immediate risk of injury, a member of the school staff may take the necessary action to prevent a pupil from, for example, hitting someone or throwing an object. Corporal punishment was abolished in 1986.

Weapons searches

Legislation in the Violent Crime Reduction Act 2006 allows head teachers to search groups of pupils if they suspect one of them is carrying a knife. Heads are also entitled to use metal-detector arches and wands to carry out random, non-intrusive searches of pupils for weapons. These powers will come into effect in May 2007.

School discipline improving

Ofsted (Office for Standards in Education) reported in 2006 that pupil behaviour is now satisfactory or better in almost all schools inspected. In a survey of head teachers fewer than one in ten said that behaviour was among their top three concerns.

However, there is still a minority of pupils whose behaviour in school can be extremely disruptive. Jim Knight, Minister of State for Schools, said: "The new power to discipline puts an end to the culture of 'you can't tell me what to do' which a few arrogant pupils or abusive parents have sneered at teachers."

School discipline policy

Every head teacher is required to draw up and publicise a discipline policy for their school, for example by bringing it to the attention of pupils, parents and staff at least once a year.

Essential elements of this policy are strategies to tackle bullying, racial and sexual harassment and the school's policy on detention. It is reviewed during inspections and should:

- promote self-discipline and proper regard for authority among pupils;
- encourage good behaviour and respect for others;
- ensure pupils' standard of behaviour is acceptable;
- regulate students' conduct.

Between 2002 and 2006, around 400 secondary and 1500 primary schools across the country took part in a Behaviour Improvement Programme run by the Department for Education and Skills targeting resources at schools with the greatest behaviour and attendance problems.

Working with parents

Effective partnership between schools and parents is key to good discipline. Ofsted (Office for Standards in Education) commented in a report published in February 2005 that: "A strong sense of community and positive engagement with parents are features of schools where behaviour is good."

The Education and Inspections Act 2006 seeks to strengthen partnerships between schools and parents. New measures, which come into force in September 2007, include:

- using parenting contracts to ensure parents tackle problem behaviour before a child reaches the point of being excluded from school;
- making parents take responsibility for their children in the first five days of exclusion through a new offence of failing to ensure their child is not found in a public place without reasonable justification;
- ensuring education provision is made for all excluded pupils from day six of their exclusion, rather than from day 16 as at present.

Schools partnerships

By September 2007 all secondary schools are expected to work together to improve behaviour and persistent truancy, to share expertise and make better use of the national support available.

Local authorities are expected to devolve funding for this purpose, for example by commissioning support and provision for pupils at risk of exclusion, persistent truants and excluded pupils.