

# Pupil Behaviour

Advice, Guidance and Protection  
from the  
National Union of Teachers





# A Message from the General Secretary

In the NUT's education policy statement, *Bringing Down the Barriers*, published in 2004, we recognised that for many teachers the low points in their professional lives arise when they encounter unacceptable behaviour from pupils. The Union reaffirmed its commitment to support teachers at such times. But we also declared boldly that no child should ever be written-off.

In this way, the Union outlines its determination to support teachers who tell us that they consider pupil disruption to be their biggest problem and at the same time seeks to establish policies and practices in schools to nurture the behaviour that promotes good teaching and learning.

The Government has recognised the importance of the issue. It set up a Committee under the leadership of Sir Alan Steer which produced an excellent and realistic report. It is pleasing that the Ministerial Stakeholder group on which the Union is represented is taking the report forward.

Dealing with the underlying causes of challenging behaviour takes time and problems are often deeply rooted. Time, however, is the commodity in shortest supply in schools because teachers are subject to such pressures.

Teachers are highly committed to making a difference to the lives of the youngsters they teach. The way in which head teachers and governing bodies approach pupil behaviour and the level of support given to teachers, determines the effectiveness of schools in promoting positive classroom management and in meeting the emotional and behavioural needs of their pupils.

Where NUT members do not receive support for their professional judgements from head teachers and senior management teams, the National Union of Teachers will act to support them in the ways described in these guidelines.

No member of the NUT should feel alone when facing threatening or undermining pupil behaviour. All teachers, at various points in their careers, need guidance and support from colleagues, from specialist services at the local authority or from their Union because of pupil behaviour.

I urge school representatives, health and safety representatives and equal opportunities officers to read and promote these guidelines so that the excellent advice provided to members can be further strengthened and enhanced. I urge head teachers and governing bodies to review their behaviour policies in line with the checklist contained in these guidelines.

The professional judgement of teachers should be at the heart of teaching and learning. I am confident that these guidelines will support members in promoting positive behaviour and in tackling behaviour which disrupts teaching and learning.



Steve Sinnott  
General Secretary  
National Union of Teachers



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## INTRODUCTION

Highly publicised cases, involving pupils in primary and secondary schools, units and other settings who represent dangers to other young people and to teachers, have emphasised the need for teachers to be properly protected when carrying out their duties and for us all to reflect on ways in which we can ensure all children have access to an education to meet their needs. The NUT always emphasises that no child should be 'written off'.

The NUT has drawn up, therefore, a National Charter, *'Learning to Behave: A Charter for Schools'* which outlines the entitlements and responsibilities of teachers, pupils, head teachers, parents, governors and local authorities. This charter can be found at [www.teachers.org.uk](http://www.teachers.org.uk). It sets out proposals which the NUT believes will encourage the environment for promoting good pupil behaviour, and reducing behaviour which disrupts school life, if adopted by Government, head teachers, local authorities and governing bodies.

The NUT has won significant victories following the publication of its charter. The Government has given a commitment to publish a similar document for schools. It has acknowledged that the criteria for Teaching and Learning responsibility payments should explicitly include responsibility for the personal and social development of young people. In addition, following effective campaigning, the Government has undertaken to introduce legislation clarifying the legal basis of teachers' authority.

The NUT believes that the professional judgement of teachers should be at the heart of teaching and learning. The approach of schools to pupil behaviour and the level of support given to teachers will determine whether or not schools are effective. If members do not receive support for their professional judgements from their employers, the NUT will act unequivocally and effectively to support its members. The NUT will use its powers to protect members who experience violence or other unacceptable pupil behaviour.

The NUT was represented on the Practitioners' Group on School Behaviour and Discipline, chaired by Alan Steer. The NUT has welcomed the Group's Report, 'Learning Behaviour', and has endorsed the publication of 'Learning Behaviour: Principles and Practice – What Works in Schools', which has been sent to all schools.

These guidelines provide advice on the support and protection which teachers should be entitled to expect from their schools and the assistance that NUT members can seek from the NUT. They apply to teachers in mainstream schools, teachers in special schools, teachers in pupil referral units, supply teachers, advisory teachers and teachers working in alternative settings. Wherever they work, NUT members should contact the NUT where they believe their ability to carry out their responsibilities is compromised.

**This guidance is for members in England only. Currently, the Welsh Assembly Government is reviewing existing circulars on pupil behaviour which apply to Wales, including, 'Welsh Office Circular 37/98, on the restraint of pupils. The NUT will publish, therefore, separate guidance to members in Wales.**

## HEAD TEACHER RESPONSIBILITIES FOR BEHAVIOUR POLICY

Head teachers have day-to-day responsibility for behaviour and are responsible in their schools for promoting good behaviour.

They are responsible by law for devising their schools' behaviour policies and for promoting good behaviour and discipline amongst pupils in line with the statements of general principles published by their governing bodies.

In devising and implementing behaviour policies, head teachers must address the need to:

- promote self-discipline and proper regard for authority amongst pupils;
- encourage good behaviour and respect for others;
- prevent all forms of bullying amongst pupils;
- demand standards of behaviour from pupils that are acceptable; and
- regulate pupils' conduct.

School behaviour policies should:

- define the standards of behaviour that schools require of pupils;
- seek the widest possible measure of agreement on those standards and how to achieve them; and
- apply those standards fairly and consistently throughout the school.

## **GOVERNING BODY RESPONSIBILITIES**

Governing bodies are responsible by law for setting the framework for the behaviour policies within individual schools, through written statements of general principles. They are expected to oversee the sound maintenance by head teachers of behaviour in their schools.

In drawing up and revising these statements of general principles, each governing body should outline:

- the ethos of the school, its values and the boundaries of acceptable pupil behaviour;
- the moral code for the school;
- positive and constructive rules of conduct; and
- the rewards and sanctions which are to be fairly and consistently applied.

According to legal requirements, governing bodies must consult their head teachers and parents of pupils before making or revising these statements. The NUT believes that there should be full consultation with Union school representatives and with staff more generally. It is also good practice to ensure that pupils and students are effectively involved in the construction of a school's behaviour policy.

## **NUT ADVICE ON THE ROLE OF HEAD TEACHERS AND GOVERNING BODIES IN RELATION TO THE SCHOOL BEHAVIOUR POLICY**

The confidence of staff in their school's capacity to ensure good behaviour is crucial. Head teachers have a vital role in ensuring that all staff are confident that health and safety policies will be implemented, and regularly reviewed and evaluated.

The NUT believes that senior management teams have a critical role. Research shows that the schools which are the most successful at managing behaviour have teachers who feel 'backed up'.

The NUT believes that head teachers have a responsibility to provide continuous professional development (CPD) for their staff. CPD needs to cover behaviour management strategies. CPD should also focus on understanding child and adolescent development. All teachers and support staff need to be supported to develop and sustain behaviour management techniques with an emphasis on de-escalation techniques throughout their career. A systematic approach by head teachers to enable the provision of behaviour related CPD can have a very positive impact as evidenced by feedback from the NUT's CPD programme.

A strong lead from head teachers and senior managers and the provision of positive support to staff is essential for effective management of behaviour. OFSTED found that senior managers who provide close support to staff contribute significantly to the effective management of behaviour.<sup>1</sup>

Staff should be informed about the strategies and support available to them where they need respite and are unable to manage pupils who present significant problems. Support from within schools or from outside agencies should be non-judgemental and not lead to capability procedures. Teachers need to be made confident that senior management teams will consistently apply and follow through school behaviour policies. There should be no inference that the misbehaviour of pupils is the fault of their teachers.

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<sup>1</sup> Managing Challenging Behaviour, OFSTED, March 2005, HMI 2363

Research shows that schools where teachers collaborate effectively achieve better levels of behaviour.<sup>2</sup> Faced with difficult pupils and challenging and unacceptable behaviour, teachers can feel isolated and insecure and often feel as if they have failed. A culture of blame that identifies teachers as failures does not help teachers and does not promote effective learning.

## **CURRICULUM**

Curriculum organisation can impact on pupil behaviour. The NUT has called consistently for a greater degree of flexibility within the National Curriculum. Despite the existing rigidity, however, schools retain flexibility within curriculum organisation provided they are able to demonstrate that they meet at least the minimum requirements and entitlement outlined in the National Curriculum.

The NUT believes that head teachers and senior colleagues should work collaboratively and consultatively with teachers in order to design coherent curriculum models which can meet the needs of all children including those with special educational needs or learning difficulties. Such models should be based on teachers' professional judgement and teachers' knowledge of the pupils they teach.

Where schools have effective School Councils, pupils' own views can be taken into consideration. School Councils UK outline on their website, <http://www.schoolcouncils.org/>, the effectiveness of pupil/student voice in ensuring high standards of behaviour, which then form high levels of involvement in policy development.

There are a number of issues which relate to pupil behaviour and race equality. The NUT has published guidance on, 'The Muslim Faith and School Uniform: Wearing the Hijab and other Islamic dress in schools'. It is also setting up a working party on the achievement of African - Caribbean boys. Members are invited to send their views and evidence to the NUT's Education and Equal Opportunities Department at NUT Headquarters.

## **TACKLING HARASSMENT AND BULLYING IN SCHOOLS**

Harassment is unwanted behaviour which is offensive to the teacher or pupil involved, causing the pupil or teacher to feel threatened, humiliated or patronised. Such behaviour can interfere with the teacher's work or the pupil's learning; undermine safety; and create a threatening or intimidating environment.

Bullying is a form of harassment in which the bully undermines and belittles or assaults the recipient. Assault includes threats that are capable of being delivered.

For teachers or pupils who are harassed or bullied, the result may be stress which can lead to depression or illness. Harassment and bullying affect pupils' ability to learn. Pupils should know to whom they can turn for help if they are being harassed or bullied. They need to be taught why bullying and harassment is unacceptable.

NUT members experiencing harassment or bullying from pupils or from colleagues should contact their regional office.

Schools should provide mechanisms for consultation with their students and structures for listening to students, especially when developing school strategies for reducing bullying. The NUT believes that effective pastoral structures are essential for the detection of bullying and the provision of individual support to pupils.

Information about the Government's anti bullying campaign for schools, *Don't Suffer in Silence*, including how to order posters, badges, and wristbands can be found at [www.dfes.gov.uk/bullying](http://www.dfes.gov.uk/bullying).

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<sup>2</sup>Improving school behaviour, Chris Watkins, Institute of Education, Paper for NAPCE, National Association for Pastoral Care in Education, 2000

## **RACIST, HOMOPHOBIC AND TRANSPHOBIC INCIDENTS, SEXUAL HARASSMENT AND SEXIST BULLYING AND NAME CALLING, AND HARASSMENT AND BULLYING RELATED TO DISABILITY OR RELIGION OR BELIEF**

By law, schools must have and maintain race equality policies. The DfES advises that such policies should include a commitment to promote race equality and to combat racism. It will be helpful if equal opportunities policies contain statements about dealing with racist incidents that are consistent with policies on behaviour.

DFES guidance<sup>3</sup> advises that schools' behaviour policies should cover racial and sexual harassment. The NUT advises that in addition they should cover homophobic and transphobic harassment, and harassment on the grounds of disability or religion or belief. Racist incidents and racial harassment are not confined to schools with large black and minority ethnic populations. Sexist harassment can pervade schools where there are many women teachers. Many teachers report homophobia and anti gay prejudice.<sup>4</sup> Transphobic incidents also occur in schools. Many young disabled people report that they were bullied at their school, and that they felt left out and isolated because of their impairments.<sup>5</sup>

Such incidents and harassment can take a number of forms including:

- name calling;
- use of unacceptable terminology;
- bullying; and
- physical abuse including incidents of serious violence.

The NUT advises that all school behaviour policies should make clear that racist, sexist, homophobic and transphobic incidents and harassment against pupils or staff on the grounds of disability or religion or belief will not be tolerated. They should explicitly refer to strategies to prevent homophobic, transphobic, racist, sexist and disablist bullying and to eliminate the homophobic and sexist content of commonly used terms of verbal abuse. The NUT advises that school policies on equal opportunities and on harassment and bullying should state that the school will take action to protect all pupils and staff from all forms of harassment.

Schools should ensure that their behaviour and equal opportunities policies are internally consistent. Bullying and harassment may be triggered by hostility towards the faith; religious identity; real or perceived sexual orientation; or gender or gender identity of pupils or teachers. Schools should be aware of such causes.

Schools should record and act on all incidents of bullying including all racist, sexist, disablist, transphobic and homophobic incidents. Parents and governors should be informed of such incidents and the action taken to deal with them. Governing bodies should inform their local authority regularly of the pattern and frequency of any incidents and the strategies developed to reduce them. Teachers who experience racist, sexist or homophobic harassment, are entitled to support from their schools and may also exercise their right to involve the police.

Sexual harassment and sexist bullying is most often carried out by boys against girls. The curriculum, including Personal, Social and Health Education and Citizenship should be used to help to foster appropriate and responsible interaction between pupils and deter offensive behaviour, including sexual harassment of staff. Section 25 of the Sex Discrimination Act 1975 places a duty on local authorities and governing bodies to make educational provision free of sex discrimination.

<sup>3</sup> Advice and guidance to schools and local authorities on managing pupil behaviour and attendance: Handling Signs of Disaffection, DfES, 2005

<sup>4</sup> In a survey responded to by 307 teachers in secondary schools in England and Wales, by Douglas et al (1997), 97% reported being aware of instances of general verbal or physical bullying, 82% were aware of general verbal homophobic incidents and 26% were aware of physical homophobic incidents.

<sup>5</sup> The Disability Rights Commission commissioned an NOP survey that interviewed 305 disabled people aged 16 to 24 across England and Wales between October and November 2002.

## RESPONSIBILITIES OF LOCAL AUTHORITIES AND THE EVERY CHILD MATTERS REFORMS

Where local authorities deem that discipline has broken down in particular schools, they can exercise their powers of intervention to remedy that breakdown or prevent further breakdown of discipline.

The Government's Every Child Matters reforms set an expectation that all children's services (including education) will work more closely together in order to achieve the following five outcomes for all young people:

- be healthy;
- stay safe;
- enjoy and achieve;
- make a positive contribution; and
- achieve economic well-being.

Multi-agency teams are already established in many local authorities to support and train teachers, or to work with individual pupils to improve behaviour.

Legal Regulations introduced in 2005 require local authorities to work with partners to produce a *Children and Young People's Plan* describing the actions and provisions by which they will achieve the five outcomes for children and young people listed above. Local authorities are no longer required to publish a separate *Behaviour Support Plan* although some may still do so, and the NUT would encourage them to do so.

The NUT advises that the *Children and Young People's Plan* or the *Behaviour Support Plan* produced by the authority should identify the local agencies that can help schools with pupils' challenging behaviour including:

- Education welfare service;
- SEN support services and educational psychologists;
- Health workers;
- Learning and behaviour support services ;
- Child and adolescent mental health services (CAMHS);
- Drugs Actions Team, who can offer schools advice on handling incidents, on criminal offences committed within schools, and on helping support pupils involved in drug related incidents;
- The Connexions and Youth Service, and youth workers who can work with young people who are disaffected or who have dropped out of school or have other behavioural problems;
- Youth Offending Teams, who work to prevent children and young people from offending through a range of targeted programmes. They carry out a standard assessment for all young people coming into the youth offending system and develop individual supervision plans to address particular needs. They provide intervention programmes for young people who have a final warning from the police or a community penalty; and
- Police Liaison officers, who may be attached to a school.

The DfES has designed a set of SEAL (Social and Emotional Aspects of Learning) resources to support schools in the work they are doing to develop the school as a community.

The SEAL resources aim to provide schools and settings with a structured whole-curriculum framework for developing all children's social, emotional and behavioural skills. The curriculum materials consist of seven themes, which are designed to fit within the pattern of the school year and with planning across the curriculum with built-in progression for each year group within a school.

Each theme is supported by a range of resources consisting of assembly ideas, posters, photographs and photocopiable resources.

## **NUT ADVICE ON SCHOOL DISCIPLINE STATEMENTS AND BEHAVIOUR POLICY**

The NUT believes that in order to be effective, behaviour policies need to be practical. They should include:

- a commitment to regular, professional development programmes for all staff on behaviour strategies both in child and adolescent development and about the application of behaviour management strategies;
- a commitment to the gathering and consideration of views of all sections of the school community on behaviour and discipline, including pupils and parents, when devising or revising the policy;
- a definition of the range of disciplinary measures to be used, including the rewards and sanctions that teachers should use, including the line management responsibilities of middle and senior managers with reference to the behaviour policy;
- advice for teaching and non-teaching staff as to whom they should turn in a disciplinary crisis, threatening incident or emergency situation;
- a commitment to induction for staff and support for temporary staff including supply teachers;
- guidelines covering intervention in fights or disputes between pupils and the restraint of pupils;
- a clear statement that all incidents of violent or threatening behaviour and all sexist, racist, disablist, homophobic or transphobic incidents or harassment, of pupils or staff, should be reported;
- a commitment to procedures and agreed strategies for emergency situations and dedicated items such as panic buttons and internal phone systems;
- a commitment to co-ordinating provision across the school for pupils with special educational needs to secure appropriate support for pupils with SEN and explanation of the role of the SENCO in ensuring the educational needs of children and young people with SEN are met;
- a commitment to give the necessary time within the school day to enable all staff to share information and experiences on the behavioural needs of individual pupils;
- a summary of school strategies for tackling bullying, use of drugs by pupils, and sexist, racist, disablist, homophobic and transphobic harassment amongst pupils;
- a summary of school strategies for dealing with pupils carrying knives or other offensive weapons and making it clear that teachers are not under any obligation to try and recover or confiscate such dangerous items; and
- a commitment to seeking the participation of pupils and parents in implementing the behaviour policy including encouraging pupils to play a part in devising strategies to reduce bullying and improve behaviour.

## CHECKLIST FOR REVISING AND UPDATING YOUR SCHOOL BEHAVIOUR POLICY

The NUT believes that school behaviour policies should be revised and developed if they do not provide answers to the questions set out below.

- (a) What are the roles and responsibilities of governors, staff, head teacher, pupils and parent/carers in promoting good behaviour? How is the school policy publicised to pupils and parents?
- (b) Have those responsible for the behaviour policy received training on SEN and disability equality?
- (c) Do all teachers and support staff know to whom they should turn within the school when they need support?
- (d) Do all teachers and support staff know where to seek advice if they do not feel safe or are undermined by a particular pupil or particular class?
- (e) Where should pupils be sent if they are removed from the classroom? For example, some schools have a 'REMOVE' system where a duty teacher comes to collect pupils who are causing disturbances.
- (f) What 'cooling off' period for pupils is defined in the school's policies and where should they be sent to 'cool off'? For example, the majority of secondary schools in Milton Keynes have a unit attached to the school for pupils removed from class.
- (g) Where can teachers, within directed time, share views and information about pupils with particular problems?
- (h) How are school pupil data systems used to help staff understand and then manage incidents, e.g., tracking incident patterns?
- (i) How will staff be able to share strategies for working with individuals or classes?
- (j) What are the arrangements for recording and reporting incidents?
- (k) What is the school's policy on pupil exclusion?
- (l) What are the arrangements for supporting staff working in remote classrooms or off-site?
- (m) How are rewards and sanctions used to encourage positive behaviour?
- (n) How can teachers raise health and safety concerns and discuss the risk posed by challenging pupils?
- (o) How is the policy monitored and reviewed and how frequently?
- (p) What resources does the school invest in improving behaviour?
- (q) What support is available for pupils whose behaviour or attendance reflects significant learning or emotional problems? What pastoral support is available?
- (r) What support and training is available to help staff manage challenging pupil behaviour?
- (s) Does the SEN co-ordinator co-ordinate whole school approaches for building the school's capacity to include children and young people with SEN through planning and identification of pupils needs? Does the SENCO have sufficient non-contact time in addition to PPA time appropriate to the number of pupils with SEN in the school?

Behaviour policies should be subject to full consultation with teaching and non-teaching staff and should be published to all parents and pupils. Policies which have been devised in consultation with teaching and non-teaching staff and which they feel they "own" are most likely to succeed. Policies which are not consistently implemented are unlikely to succeed.

All staff, in addition to the senior management team, need to be involved in the construction of the school behaviour policy and its regular review, helping to produce accessible working documents which are owned by the staff.

Staff should be able to deliver lessons in the knowledge that low level disruption as it occurs on a day to day basis can be passed on to middle and senior managers when all usual classroom strategies have been exhausted. It is this kind of disruption which most commonly causes stress among teachers.

The behaviour policy should be consistent with the school's work to include and meet the need of pupils with SEN.

## **THE USE OF SANCTIONS WITHIN THE SCHOOL BEHAVIOUR POLICY**

Behaviour policies should provide consistent and fair systems for the whole school community and should be clearly understood by all staff including supply teachers, teaching assistants, clerical, catering and janitorial staff.

Well established routines, rewards and sanctions systems provide pupils with the supportive boundaries that they need. Much challenging behaviour is context related, altering according to time, place and the adults involved. Policies should aim to promote consistent responses to unacceptable behaviour within each school. Policies may need adjustment to meet the needs of pupils with SEN or disabled pupils.

DfES guidance<sup>6</sup> makes it clear that schools should apply sanctions fairly and consistently to all pupils, taking account of all circumstances including the child's age, and within a context of positive re-enforcement of good behaviour. Sanctions might include:

- removal from the group (in class);
- withdrawal of break or lunchtime privileges;
- detention;
- withholding participation in any school trips or sports events that are not an essential part of the curriculum;
- withdrawal from, for example, a particular lesson or peer group;
- completion of assigned work or extra written work; or
- carrying out a useful task in the school.

Punishments that are humiliating or degrading should not be used. No child should ever be subjected to ridicule from a teacher. Teachers should make sure they are aware of all the school policies and procedures such as homework, lateness and absence so that pupils are treated consistently. Teachers should use sanctions which are appropriate to individual pupils, bearing in mind whether the pupils concerned have SEN or emotional or social needs. Behaviour policies should show how reasonable adjustments are made for pupils with SEN and disabled pupils.

## **THE USE OF REWARDS WITHIN THE SCHOOL BEHAVIOUR POLICY**

Many schools have a 'rewards' system. Schools should acknowledge and celebrate pupils' achievement and apply reward systems consistently. Individual rewards help encourage pupils to take responsibility for their own behaviour.

Strategies which may make acceptable behaviour more likely need to be whole school policies. Lining up outside the room, house points, merits and home school agreements set patterns and routines of acceptable and orderly behaviour. They define the boundaries within which pupils should behave and beyond which intervention is likely. There are others such as:

- being there when the pupils arrive;
- having named seating plans and ensuring they are used;
- using pupils' names from very early on in the year both within and outside the classroom.

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<sup>6</sup> Advice and guidance to schools and local authorities on Managing Attendance and Behaviour: Handling signs of disaffection, DfES, 2005

Teachers need to be aware of all school policies and procedures such as homework, lateness, and absence so that the pupils know they cannot 'get away' with excuses.

To promote a clear agreed rewards system the following benchmarks may be useful.

- Does the school behaviour policy focus on rewarding of successes as well as sanctions for negative behaviour?
- What are the most positive and negative aspects of the school's rewards system?
- What are the biggest barriers to using the rewards system?
- Are rewards and sanctions applied consistently?
- Is the rewards system workable in practice and easy for staff to administer?
- What do pupils in your school find motivating and encouraging? (E.g. points system, positive praise)
- Do staff feel that they can use the rewards system to avoid referral of issues?
- As well as recognising achievement in lessons, are there opportunities for the wider sharing of successes within the school?

For some pupils, good behaviour has to be learnt or modelled. Using parents to accompany their children in school for a day or putting pupils with members of staff and allowing them to see motivated and disciplined children working well can be effective.

## THE USE OF PHYSICAL INTERVENTION TO CONTROL OR RESTRAIN PUPILS

The powers of teachers and other staff to use reasonable force to restrain pupils are contained within Section 550A of the Education Act 1996. The wording of Section 550A is contained in the box below. Those powers are described in DfES Circular 10/98: 'The Use of Force to Control or Restrain Pupils'.

*"Section 550A allows teachers, and other persons who are authorised by head teachers to have control or charge of pupils, to use such force as is reasonable in the circumstances to prevent pupils from:*

- *committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);*
- *injuring themselves or others;*
- *causing damage to property, including their own property; and*
- *engaging in any behaviour which has a negative impact on maintaining good order and discipline at the school or on other pupils, whether that behaviour occurs in the classroom during a teaching session or elsewhere."*

Section 550A permits all teachers, where necessary, to use reasonable force to control or restrain pupils. This applies when teachers from mainstream, special or PRU settings are on the school premises or on a field trip or other authorised out of school activity.

DfES Circular 10/98 advises that there will be a variety of situations in which reasonable force might be appropriate or necessary. Examples of situations given in the Circular include:

- *a pupil attacks a member of staff or another pupil;*
- *pupils are fighting;*
- *a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;*

- *a pupil is causing, or at risk of causing, injury or damage by accident or by rough play, or by misuse of dangerous material or objects;*
- *a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure themselves or others;*
- *a pupil persistently refuses to obey an order to leave a classroom; and*
- *a pupil is behaving in a way that is seriously disrupting a lesson.”<sup>7</sup>*

## **NUT ADVICE ON THE PHYSICAL RESTRAINT OF PUPILS**

There is a further section below on allegations of assault against teachers.

DfES Circular 10/98 does not carry with it the *expectation* that teachers should intervene. Rather, the Circular outlines the situations in which a member of staff would be *entitled* to intervene. Circular 10/98 confirms that there are a variety of situations in which reasonable force might be appropriate or necessary to control or to restrain pupils and that such situations will fall into 3 broad categories:

- where action is necessary in self defence or because there is an imminent risk of injury; or
- where there is a developing risk of injury or significant damage to property; or
- where pupils are behaving in a way that is compromising good order and discipline.

There is no legal definition of ‘reasonable force’. It is therefore not possible to set out comprehensively when it will be reasonable for a teacher to use force or the degree of force that may reasonably be used. It will depend always on the circumstances of the situation and on professional judgement.

The NUT advises that teachers should not intervene without help unless in their professional judgement such intervention is unavoidable. Teachers should not intervene unless they feel confident and comfortable in so doing. Where the risk is not urgent, teachers should consider carefully whether and when physical intervention is appropriate. Teachers should make every reasonable effort to summon assistance as soon as possible.

The NUT advises that teachers should not intervene in situations where they feel such interventions might place them at risk professionally or physically. The NUT advises that members should not use physical restraint unless they have undergone training.

In circumstances where teachers believe they or other pupils may be at risk of injury, the teacher should remove those pupils who might be at risk and summon assistance from colleagues. Where necessary, through the senior leadership team, the police should be contacted.

The complexity and range of need and consequent support for children and young people with severe and/or complex learning difficulties, including autism, may be such that physical intervention is the norm and not the exception. Thus low and medium level intervention would not be recorded unless there was a planned and specific intervention. This would most likely be recorded and monitored through the young person’s IEP. It would not be deemed necessary for a risk assessment to be carried out unless a pupil’s behaviour suggested that they presented a risk to themselves or others.

Staff who teach pupils with Autistic Spectrum Disorders or learning disabilities should refer to the joint DfES and Department of Health guidance for physical intervention for pupils with Autistic Spectrum Disorders.<sup>8</sup> The NUT advises that this guidance should in particular be made available to teachers in special schools and other EBD settings.

<sup>7</sup> DfES Circular 10/98 Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils

<sup>8</sup> Guidance on the Use of Restrictive Physical Interventions for Staff Working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorders, DfES/Department of Health, July 2002, LEA/0242/2002

## NUT CHECKLIST FOR HEAD TEACHERS ON PHYSICAL RESTRAINT

Schools and settings should have in place:

- A policy that reflects the local authority guidance/model policy and DfES guidance. (Copies of Circular 10/98 should be available.)
- A list of staff whom the head teacher has authorised to control or restrain and an agreement that those members of staff understand and accept their role.
- Arrangements for training for teachers and those staff who have been authorised by the head teacher, including appropriate regular updating of training, so that consistent approaches are used throughout the school.
- Arrangements for training in de-escalation measures and techniques for diffusing situations as part of the whole school policy on behaviour and discipline.
- Arrangements for risk assessments where it is deemed necessary, including due regard for the implications for any assessment on individual pupils, and the implications for their Individual Education Plan, Individual Behaviour Plan, Personal Education Plan (in case of Looked-After Children) and, where relevant, Annual Review of their Statement of Special Educational Needs.
- Procedures for recording and monitoring and review procedures both for individual incidents and for the policy as a whole. Teachers should be made aware of reporting procedures that apply in their schools.
- Arrangements for staff to be supported both in situations where they have had to restrain a pupil and where they have prevented confrontation.
- A complaints procedure which is consistent with Child Protection Procedures and which explains that the head teacher will take advice from the local authority lead officer where necessary before making a referral under local child protection procedures.

## NUT ADVICE ON GUIDING AND HOLDING PUPILS

DfES Circular 10/98 advises that:

*"There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.*

*Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued."*

Physical contact with pupils can be a sensitive issue. Teachers should always use their professional judgement and reflect on when physical contact is appropriate. There are times when it may place a teacher at risk of allegations of inappropriate behaviour. Teachers should make themselves aware of the policies of their school and local authority about guiding and holding pupils. They should ask their NUT school representatives for advice where necessary.

Pupils with special educational needs and especially pupils with severe and/or complex learning difficulties may require planned physical intervention on a regular and routine basis.

In relation to using physical interventions with a pupil with SEN, a child or young person's particular needs should be reflected in their Individual Education Plan or Behaviour Plan. Where an individual protocol is in place arising from a risk assessment, then different levels of intervention may have been specified as being foreseeable ranging from low level intervention or medium level intervention.

## **RECORDING INCIDENTS OF PHYSICAL INTERVENTION**

The NUT recommends, as does the DfES, that schools should have systems in place for recording all incidents of physical intervention by staff. They should keep up to date records of all such incidents preferably in an incident book. It is good practice to send a copy to the local authority.

All incidents of physical restraint of pupils should be reported and recorded, in accordance with the procedures in the school concerned. The recording of such incidents should take place as near as possible to the time of the incident. Contemporaneous recording will assist in dealing with any subsequent complaints. NUT members may wish to seek advice from their Union representative when compiling a report. They should also keep a copy of the report.

Teachers should be made aware by the head teacher and senior management team of the reporting procedures that apply in their schools and of any specific reporting procedures for pupils with SEN.

The NUT advises that such incidents should be analysed and follow up action taken so that any additional needs of pupils are identified.

## **PUPILS WITH SPECIAL EDUCATIONAL NEEDS AND DISABLED PUPILS IN MAINSTREAM SCHOOLS, SPECIAL SCHOOLS AND PUPIL REFERRAL UNITS**

A significant proportion of pupils presenting challenging behaviour have special educational needs. Their behaviour may in some instances be related to their special needs.

Statutory guidance on identifying, assessing and making provision for pupils with special educational needs, including those with behavioural, social and emotional needs, is given in the Special Educational Needs Code of Practice. Schools and setting must have regard to this guidance. Local authorities have specific duties under this Code.

Governing bodies have a statutory duty to ensure that the necessary provision is made for any pupil who has special educational needs. Early identification and intervention, accurate assessment and the arrangement of appropriate provision to meet pupils' special needs usually leads to better outcomes.

Where schools meet with difficulties in managing pupil behaviour and the pupils concerned have special educational needs as defined in the SEN Code of Practice, then those schools should consider *School Action* interventions. They can seek local authority and other professional advice and support through *School Action Plus* or, where appropriate, ask the local authority to consider carrying out a statutory assessment.

For pupils with statements, where this process has been exhausted, schools should liaise with their local authorities about initiating interim annual reviews of pupils' statements.

The SEN Code of Practice advises that in the situations below local authorities will need to consider, on an individual basis, whether these interventions can be provided through *School Action Plus* or whether they need to undertake statutory assessments of pupils' needs. If no assessment of need is carried out, NUT members should seek further advice from their school special educational needs co-ordinator (SENCO).

*“Pupils who demonstrate features of emotional and behavioural difficulties, who are withdrawn or isolated, disruptive and disturbing, hyperactive and lack concentration, those with immature social skills, and those presenting challenging behaviours arising from other complex special needs may require help or counselling for some or all of the following:*

- *flexible teaching arrangements;*
- *the development of social competence and emotional maturity;*
- *adjusting to school expectation and routines;*
- *acquiring the skills of positive interaction with peers and adults;*
- *specialised behavioural and cognitive approaches;*
- *re-channelling or re-focusing to diminish repetitive and self injurious behaviours;*
- *provision of class and school systems which control or censure negative or difficult behaviours and encourage positive behaviour; and*
- *provision of a safe and supportive environment.”*

*Paragraph 7.60 SEN Code of Practice, DfES, November 2001*

The NUT advises that members who have questions about pupils who display special needs or mental health needs should contact the SENCO.

Schools and settings are under a legal duty under the Disability Discrimination Act 1995, as amended, not to treat disabled pupils less favourably, without legal justification, than their non-disabled peers; and to make reasonable adjustments to ensure that pupils who are disabled are not put at a substantial disadvantage in comparison to pupils who are not disabled. Whether the steps are reasonable would depend on the circumstances of each case.

The Disability Rights Commission Code of Practice explains and illustrates schools' duties to disabled pupils, including in relation to exclusions.

Where parents initiate disability discrimination claims, schools will be required to demonstrate that their actions are justified and that there are no reasonable adjustments to their policies and practice they might have made to prevent the incident which led to the exclusion or less favourable treatment. Since many disabled pupils will also have special educational needs, schools should consider the action they have taken to address those needs in this context.

Some schools with low exclusion rates are implementing a differentiated behaviour policy. This means that a child with SEN or a disabled child is not expected to follow exactly the same rules as non disabled pupils or pupils without SEN. Instead they and their classmates understand that they may be judged by different yet improving standards.

A good example for a child on the autistic spectrum or with ADHD is to operate a system of time out where teachers and pupils recognise if pupils show an orange card they need to withdraw themselves for 5 minutes. If they show a red card then they need to leave the class and get help from the learning support department. This is just one of many systems that can diffuse a situation that can lead to pupils with SEN breaching the school behaviour policy. For more examples of differentiated school behaviour policies and behaviour policies which meet the needs of disabled pupils and pupils with SEN visit: [www.teachernet.gov.uk/wholeschool/SEN/accessibility](http://www.teachernet.gov.uk/wholeschool/SEN/accessibility)

Disabled children and children with special educational needs often become involved in the disciplinary route in schools instead of having reasonable adjustments and special educational provision made for them.

Despite DfES guidance advising against the placement of pupils with statements in Pupil Referral Units (PRUs), there are many statemented pupils in PRUs. In three quarters of PRUs, between 20 per cent and 50 per cent of the pupils with the most challenging behaviour have statements for EBSD; a significant number have been excluded from day residential special schools.<sup>9</sup> Increasingly, pupils placed in PRUs are younger, with growing numbers of 5 to 7 year olds needing part or all of their education off-site.

The NUT believes that pupils with statements for EBSD should have their learning needs met in special schools or in mainstream schools, where appropriate. Where NUT members working in PRUs believe that they are being asked to cater for pupils who have been placed in inappropriate provision, advice should be sought from the appropriate NUT regional office.

Reports of the numbers of pupils showing challenging behaviour in PRUs and special schools vary. In PRUs and special schools visited by OFSTED,<sup>10</sup> numbers vary from very few to all pupils on roll. Schools for pupils with EBSD and schools for pupils with SLD, as well as some for pupils with autistic spectrum disorders, tend to regard all their pupils as having challenging needs.

NUT members in special schools and in pupil referral units should be entitled to expect from their schools the support outlined in these guidelines. NUT members in special schools and PRUs should refer to the FAQs in Appendix 1 for further advice.

## **ALLEGATIONS OF ASSAULT AGAINST TEACHERS**

Teachers may be subject to false or misplaced accusations of assault or physical abuse. Situations involving physical restraint can be misconstrued and misinterpreted.

DfES Circular 10/98 clarifies the rights of teachers and will help in addressing misplaced allegations. Teachers facing accusations of assault or abuse should seek urgent advice from their NUT regional office.

The Education Act 1996 does not authorise reasonable force which would amount to corporal punishment. In addition, all public authorities, including local authorities and schools, must comply with the Human Rights Act 1998, which forbids inhuman or degrading treatment or punishment. It is unlawful, therefore, to use any degree of physical contact which is deliberately intended to punish pupils or which is primarily intended to cause pain, injury, or humiliation.

The NUT believes that all teachers should be aware of the content of the school behaviour policy and any separate policy on positive handling or physical restraint of pupils within schools.

NUT members should seek NUT support where they are:

- unsure of the behaviour policies or positive handling policies in their schools;
- consider themselves to be inadequately supported by the behaviour policies in their schools; or
- feel physically or professionally threatened by the behaviour of pupils.

In the first instance, members should contact their NUT school representatives and their association or division secretaries. If required, the NUT regional office will be contacted for advice by the school representative.

NUT members who face an allegation after physically restraining a pupil, or an allegation that they failed to act, or accusations of poor classroom management or behaviour management should contact their NUT regional office immediately for advice and support.

## **FALSE ALLEGATIONS AGAINST TEACHERS**

The number of allegations for which the NUT provides the assistance of a solicitor at police station visits is increasing. Many allegations made against teachers are unfounded and false.

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<sup>9</sup> Managing Challenging Behaviour, Ofsted, March 2005, HMI2363

<sup>10</sup> Managing Challenging Behaviour, Ofsted, March 2005

DfES Guidance on dealing with allegations '*Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and Other Staff*' sets out that head teachers should consult with the local authority designated officer on all allegations. It makes clear that where the allegation is about physical contact, the consideration of the steps to be taken must take account of teachers' entitlement to use reasonable force to restrain pupils. The NEOST/Teacher Union guidelines<sup>11</sup> set out in more detail the steps to be taken in dealing with allegations.

The NUT advises that head teachers should use their professional judgement where allegations relating to the use of reasonable force have been made when deciding whether such allegations need to be referred under local child protection procedures. Head teachers should take advice from the Lead Officers of their local authorities where necessary before making referrals and should refer to the NEOST/Teacher Union guidelines about when allegations need to be referred outside the school.

## PUPIL EXCLUSIONS

Head teachers can exclude pupils for up to 45 days in any school year. Where it is intended to exclude pupils for single blocks in excess of 15 days in a term, legislation requires head teachers to seek, in conjunction with the local authority, the most effective arrangements for continuing the full-time education of the pupils concerned.

*DfES Guidance on Exclusion from Schools and Pupil Referral Units* (2004) applies to all head teachers in maintained schools and Pupil Referral Units in England when they are considering whether to exclude a pupil but does not apply to independent schools, city technology colleges and sixth form colleges. Academies must have exclusion procedures which are consistent with the guidance. The guidance can be accessed at:

[www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance](http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance)

Relevant factors that must be taken into account by head teachers before deciding whether to exclude pupils include:

- checking whether incidents may have been provoked by, for example, bullying or by racial or sexual harassment;
- allowing pupils to give their versions of events;
- ensuring that there are appropriate investigations; and
- considering all the evidence available to support the allegations, taking into account the policies of the schools on behaviour and equal opportunities.

In each case, the standard of proof to be applied is the balance of probabilities. This means that, if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher may exclude the pupil.

The DfES exclusions guidance includes the following paragraphs.

*"A decision to exclude a child permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgment by the school that it has exhausted all available strategies for dealing with the pupil and should normally be used as a last resort.*

*There will, however, be exceptional circumstances where, in the head teacher's judgement, it is appropriate permanently to exclude a child for a first or 'one off' offence. These might include:*

- (a) serious actual or threatened violence against another pupil or a member of staff;*
- (b) sexual abuse or assault;*
- (c) supplying an illegal drug; and*
- (d) carrying an offensive weapon.*

<sup>11</sup> Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse, Guidelines on Practice and Procedure, September 2002

*Schools should also consider whether or not to inform the police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g., Youth Offending Team, Social Workers, etc.*

*In cases where a head teacher has permanently excluded a pupil for:*

- (a) one of the above offences; or*
- (b) persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises;*

*the Secretary of State would not normally expect the governing body or an Independent Appeal Panel to reinstate the pupil."*

The DfES exclusions guidance makes it clear that removing pupils from school for disciplinary reasons, without following formal procedures, is illegal. Guidance is available for schools on managing and reducing unofficial exclusions at [www.dfes.gov.uk/exclusions/guidance](http://www.dfes.gov.uk/exclusions/guidance).

Pregnancy should not be a reason for exclusion and health and safety should not be used as a reason to prevent a pregnant pupil attending school.<sup>12</sup>

## **NUT ADVICE ON PUPIL EXCLUSIONS**

When pupils disrupt classes, teachers can face enormous stress and demoralisation. Other pupils may resent the interruption and suffer disruption to their education. All teachers and pupils have a right to effective support of the right quality and at the right time.

Where strategies within agreed school behaviour policies have been applied without success, the NUT advises that exclusion should be the next option.

Where pupils assault teachers or commit serious breaches of the school behaviour policies, such as bullying, including racist, sexist or homophobic bullying, assaulting other pupils, carrying offensive weapons, sexual, homophobic or racial abuse, and supplying illegal drugs, the NUT advises that exclusion should be the response of head teachers.

The guidance set out by the DfES clarifies the circumstances for permanent exclusion. The reference to "serious, actual or threatened violence against another pupil or member of staff" and to "persistent and defiant misbehaviour including bullying", alongside the other criteria set out by the DfES, enables head teachers to act confidently in the application of exclusion procedures to protect pupils and staff.

In particular, the NUT would expect head teachers of mainstream schools or special schools or teachers in charge of a Pupil Referral Unit to apply permanent exclusion where unacceptable behaviour involves violence, health and safety risks, or persistent, malicious disruptive behaviour.

Where pupils who have exhibited unacceptable behaviour are returned to a school, NUT school representatives and local division secretaries are advised to seek appropriate advice, which may include a ballot of members in that school to refuse to teach such pupils, if the issue is not resolved.

<sup>12</sup> Guidance on Exclusions from Schools and PRUs, DfES, October 2004

## ALTERNATIVES TO EXCLUSION AND PREVENTING EXCLUSIONS

Disengagement from school by young people is a high risk factor in young people's involvement in crime and anti social behaviour.

The DfES exclusions guidance encourages head teachers to consider a number of alternatives in response to serious breaches of behaviour policy including:

- restorative justice;
- mediation through a third party, usually a trained mediator;
- internal "seclusion" (also known as internal exclusion or "removal rooms"); and
- managed moves to another school to enable pupils to have a fresh start in a new school.<sup>13</sup>

About one third of all local authorities are encouraging the use of some form of managed transfer or managed move. Some authorities have been supporting managed moves for up to four years.

The NUT advises that head teachers should consider a managed move as an alternative to permanent exclusion where negotiation between head teachers makes this possible. The DfES guidance, however, does not require a head teacher to try a managed move before excluding and the NUT does not support the production of local authority guidance saying that heads are obliged to try a managed move first.

Because they are voluntary, the NUT advises that the learning objectives and individual education strategy must be planned for and delegated before the transfer can be agreed. This is the 'managed' element of the move.

## PASTORAL SUPPORT FOR PUPILS

Pupils who do not respond to school actions to combat disaffection may be at serious risk of permanent exclusion or criminal activity. They may need longer term intervention to keep them from dropping out of school. Teachers should actively identify such young people and set up a Pastoral Support Programme/Plan.

DfES guidance for schools and local authorities on *'Managing Attendance and Behaviour: handling signs of disaffection'* (2005) has replaced DfES Circulars 10/99 and 11/99. The DfES guidance points out that schools can access help and support to improve general behaviour and attendance from the Education Welfare Service and the National Secondary strategy consultants (formerly Behaviour and Attendance consultants). The DfES guidance says that:

*"schools need effective and well understood arrangements to support teachers and other staff dealing with pupils who cause difficulties. These should be set out in the school's behaviour policy".*

The DfES guidance sets out how schools can use the following tools to deal with the challenging behaviour of disaffected pupils or those pupils who may be at risk of exclusion.

<sup>13</sup> Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units DfES 2004 paragraph 7 (d). Managed moves are also highlighted in paragraph 3

- **Learning Mentors** – non teaching support staff who help individual pupils and help pupils improve their self-confidence by liaising closely with teachers and other support professionals, and acting as a supportive link between the family and school;
- **Pastoral Support Programmes/Plans** – for pupils who do not respond to school actions and may need a longer term intervention in order to prevent exclusion;
- **In School Support Units** – learning support centres can provide separate short term teaching and pastoral support programmes tailored to the needs of difficult pupils. They are school-based, though they might be shared between schools, particularly at primary level. Placement can be full time or part time but the school should where possible plan entry rather than use instant referrals from classroom teachers; and
- **Pupil Referral Units and Alternative Provision** – some pupils will benefit from spending time in a pupil referral unit, high quality alternative provision or alternative curricula; providing the alternative curriculum is staffed by fully qualified teachers and the pupils are offered a broad and balanced curriculum.

Further DfES guidance for schools and local authorities on *'Managing Behaviour and Attendance: groups of pupils at particular risk'* (2005) covers groups at particular risk of disaffection such as children with SEN, children in care, minority ethnic children, Travellers, young carers, children from families under stress, pregnant schoolgirls and teenage mothers, unaccompanied asylum seekers and children missing from education. The DfES guidance says that:

*"schools and local authorities should ensure that their staff have the training and skills to support these groups and address these issues. Staff should also have access to specialist services".*

## **NUT ADVICE ON PASTORAL SUPPORT PROGRAMMES/PLANS**

The NUT believes that decisions on setting up pastoral support programmes/plans should rest with head teachers and that pupils who are at risk of exclusion will require such plans.

If exclusion of pupils is warranted immediately because of the severity of their behaviour, the implementation of programmes should not be considered necessary before a head teacher can move to considering exclusion.

NUT advice is that all schools should recognise that a good pastoral system involves teachers and support staff. The NUT has consistently campaigned for recognition of the connection between pastoral work and pupil achievement, the need for qualified teachers' continued involvement in this work and the right of qualified teachers to proper payment for this work.

The NUT advises that pastoral work should be deemed to be part of the criteria for allocating TLR payments where teachers have involvement above and beyond their teaching commitment. Any teachers undertaking management responsibility in relation to pastoral work should receive appropriate TLR payment for that work.

The NUT believes that teachers should continue to be involved in pastoral work. In particular, heads of year and holders of key posts for pastoral responsibilities should be qualified teachers.

Where members consider that Pastoral Support Programmes are being used as a way of slowing down or preventing pupil exclusions, and that such exclusions are necessary immediately, they should contact their NUT regional office.

## LIAISING WITH THE POLICE, YOUTH OFFENDING TEAMS AND SAFER SCHOOLS PARTNERSHIPS

The NUT advises that each school behaviour policy should contain agreed trigger points for calling the police and liaising with youth offending teams.

School behaviour policies should encourage members of staff to report incidents and should not discourage reporting. Local authorities need to know what is going on in their schools and 'violent incident' forms should be completed. Governing bodies should receive regular reports about the number of violent incident forms completed.

Each year, some 150,000 children and young people enter the youth justice system. Almost half of them are below statutory school leaving age. Disengagement from school by young people is a high risk factor in young people's involvement in crime and anti social behaviour.

The NUT has issued separate advice on 'Safer School Partnerships' (SSP). This guidance can be found at [www.teachers.org.uk](http://www.teachers.org.uk). These partnerships provide ways for schools to work with the local police to engage young people and challenge poor behaviour. Close co-operation with local police through police-school liaison officers can be a constructive way to reduce anti-social behaviour and prevent offending.

All schools involved in SSP initiatives have a level of police representation on the school site. The extent and prominence of this presence will vary according to local circumstances but it can include police officers being based on school premises in a full time capacity.

## THE CONSEQUENCES OF VIOLENT INCIDENTS

It is essential that suitable arrangements are in place to ensure an adequate response to a violent incident. This should include:

- first aid and other emergency medical treatment required by any injured party;
- the provision of appropriate emotional support - such as counselling - for those directly or indirectly affected by such events;
- the implementation of necessary administrative and legal procedures, including the proper reporting of the incident; and
- evaluation and follow up action to prevent further incidents.

Many assaults on teachers go unreported. Going into work every day with a very real fear of such attacks is a prime source of teacher stress.

All accidents and injuries should be reported, no matter how trivial they might appear. This is as true of verbal abuse as it is of physical assault, as the psychological harm which can follow such incidents can lead to very real illness and mental distress for those who experience them.

Schools can access DfES guidance on addressing the issue of violent behaviour from *the DfES Violence Reduction in Schools Programme* (VIRIS) project. Online advice draws on case studies, examples of what has proved successful in some schools and supportive training materials. Advice is based on two areas:

- how to set a climate in schools so that violence is reduced; and
- how to respond to violence in ways that will help prevent recurrence.

The Government has produced '*A Legal Toolkit for Schools: tackling abuse, threats and violence towards members of the school community*' ([www.teachernet.gov.uk/safeschools](http://www.teachernet.gov.uk/safeschools)) which explains the legal remedies available to schools and local authorities when faced with problems of violent or potentially violent parents and other adults on school premises. Available from the DfES teachernet website is '*School Security: Dealing with trouble makers*' which offers advice and guidance on the law in dealing with trouble makers in and around schools.

A number of responses are available to teachers who are subjected to assault. Such members should be advised by their NUT school representative to contact their NUT regional office immediately for advice. NUT regional offices will provide advice to teachers who experience assault on the support available to them.

## **CONTINUING PROFESSIONAL DEVELOPMENT**

The NUT believes schools should provide systematic training for senior managers, teachers and teaching assistants and others in behaviour management and in child and adolescent development.

The Union's CPD Programme offers a range of high quality continuing professional development opportunities for teachers. The CPD Programme provides a range of events which focus, in particular, on pupil behaviour, and includes courses on aspects of classroom management, effective behaviour support, managing the links between teaching, learning and behaviour and making effective interventions. These events are subsidised so that they are, generally, free to members.

For further details of the current programme, contact the Union's Education and Equal Opportunities Department through [nutcpd@nut.org.uk](mailto:nutcpd@nut.org.uk).

## **NATIONAL STRATEGIES FOR PRIMARY AND SECONDARY SCHOOLS**

Both National Strategies provide general training and other support materials to help all school staff implement behaviour and attendance strategies. Behaviour and Attendance Audit tool kits are available for schools or clusters to use when identifying priorities to be addressed.

Use of the Secondary Toolkit of Behaviour and Attendance Training Materials and the Primary SEAL programme for improving Social Emotional and Behavioural Skills could support whole school strategies to improve behaviour. There are Behaviour and Attendance Co-ordinators in each local authority who can provide advice and support.

Secondary school teachers can get more information from: [www.standards.dfes.gov.uk/keystagethree/issues/behaviour](http://www.standards.dfes.gov.uk/keystagethree/issues/behaviour)

Primary school teachers can get more information from: [www.standards.dfes.gov.uk/primary/wholeschool/banda](http://www.standards.dfes.gov.uk/primary/wholeschool/banda)

## **MOBILE PHONES AND CAMERA MOBILE PHONES**

The NUT advises that schools should amend or revise their behaviour policies to set out the following information:

- when and whether pupils are permitted to carry mobile phones/camera phones on the school grounds and when phones should be switched off;
- in which situations staff should confiscate mobile/camera phones and where they should be stored until they are returned to the pupil/parent/carer;
- what sanctions are appropriate if a mobile/camera phone is being used inappropriately; and
- how to respond to an incident where a mobile/camera phone is being used to intimidate, threaten or bully staff or pupils.

The NUT is aware that camera mobile phones can be misused in schools. They can become an instrument of bullying or harassment directed against pupils and teachers. If you need further information, please see the NUT briefing 'Camera Mobile Phones – Health and Safety Issues' on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk).

## APPENDIX ONE: FREQUENTLY ASKED QUESTIONS

### **What rights do I have to refuse to teach a pupil who has been excluded?**

A teacher has no automatic right to refuse to teach a pupil until relevant procedures, including an industrial action ballot, have been followed and Union Rules satisfied.

The NUT will protect members where exclusions have been overturned by governing bodies or appeals panels and pupils reinstated. Following appropriate procedures in compliance with legislation and in accordance with the Rules of the Union, the NUT will take industrial action, up to and including strike action, where:

- “the retention of such pupils would disrupt education or threaten the welfare of pupils or staff”; and
- “the head teacher, governing body or appeal panel refuses to exclude a pupil”.

In such circumstances, members should contact their NUT regional office.

### **What rights do I have to remove a disruptive pupil from my classroom?**

Check your school’s behaviour policy. It should set out who you can turn to in a disciplinary crisis and should set out the procedures to be followed and specify where pupils can be sent if they are disrupting the lesson. Many schools have systems where pupils can be sent to a specified place within the school if they are interrupting teaching and learning. If there is no system within your school, talk to your NUT school representative about revising the school policy and procedure.

You are not alone and you are not failing at your job. All teachers need to remove pupils from their classrooms sometimes.

### **What can I do if I have been subjected to violence or if I feel unsafe?**

As a matter of urgency, you must contact your NUT regional office for advice and support.

### **What can I do about difficult behaviour in my classroom?**

Speak to other colleagues about strategies which have worked for them and ask your line manager or your head of department for a copy of the school’s behaviour policy. Ask what professional development courses are available. Ask what support is available from the special educational needs co-ordinator in your school.

The NUT believes that systems of support should be available to all staff faced with challenging pupil behaviour. Asking for support should never be perceived as a sign of weakness or failure. The provision of support should be a reasonable and normal expectation.

Speak to your NUT school representative. There are various sources of guidance available for teachers on improving whole school behaviour. See Appendix 2 for useful websites.

### **Can I give a pupil a detention?**

Yes, if the detention is reasonable and proportionate to the pupil’s behaviour.

Detention is one of the sanctions available to schools in response to challenging pupil behaviour. The Education Act 1997 gives schools legal backing to detain pupils after the end of a school session on discipline grounds. All schools, except independent and non maintained special schools, have legal authority to detain pupils without the pupil’s consent, for a lunchtime or after school detention.

Head teachers should make all parents and carers, including new parents, aware of the school’s policy on detention to discourage parents from challenging use of detentions. A school must, by law, give at least 24 hours written notice of a detention to the pupil’s parent or carer i.e., in writing, by hand or by post to allow the parent time to raise any problems such as about transport for the pupil. The school does not require the permission of the parent. Schools should keep a written record of all detentions.

## **What support should I be given to cope with the needs of a challenging pupil in my class who is being reintegrated following an exclusion or from a pupil referral unit?**

Failure by the school to provide appropriate support for a reintegrated pupil can result in a re-emergence of the original problems. You should not have to battle alone with the challenging behaviour of such pupils.

The reintegrated pupil may require mentoring, personal tutors, involvement of the learning support unit, alternative local authority provision or a pastoral support programme. Re-integration of excluded pupils back into the mainstream can be a significant challenge for schools.

The local authority should provide intensive support to the school for an initial period after the school has admitted the pupil to avoid further exclusion. This might be from the local authority's behaviour support team. Local authorities sometimes offer schools additional funding, sometimes referred to as 'dowries', for spending on extra classroom support or for buying in support services to help meet the child's needs.

The reintegration panel or the local authority officer who has been arranging education outside school for this excluded pupil should have drawn up an individual 're-integration plan' for this pupil. DfES guidance suggests that this plan should set out:

- the steps to be taken for re-integration into the school;
- the dates for the local authority officer to review the re-integration plan (at least monthly); and
- a programme of re-integration with the school.

If you have concerns about the behaviour of a pupil who is being reintegrated, ask the head teacher or a member of the SMT whether there is a reintegration plan for this pupil and whether this plan has identified additional pastoral or local authority support for the pupil.

Further guidance is available in *'The Reintegration of Children, absent, excluded or missing from education'* (DfES, 2004) and from the DfES Exclusions guidance (DfES, 2004).

## **What support can I expect from my line manager or head teacher?**

The sections above on Head Teacher Responsibilities and Governing Bodies' Responsibilities give an explanation of the legal duty of the head teacher and the governing body. The head teacher is responsible for maintaining sound discipline in the school.

Staff should receive support and training in classroom management and in meeting the needs of challenging pupils. There are many sources of support from local authority level.

The sections on School Behaviour Policies above set out the NUT's views on the content of school behaviour policies. This shows the type of whole school ethos which the head teacher and senior managers of the school should be creating. Discuss your concerns with your NUT school representative if you feel the SMT are not providing leadership in the area of pupil behaviour.

If you feel you are being harassed or bullied by pupils or colleagues see the section above on Tackling Harassment and Bullying in Schools.

## **What should I do if I suspect a pupil has unidentified special needs?**

Difficult behaviour sometimes results from unidentified or unmet special educational needs, including behavioural, emotional and social development difficulties or abuse (physical or sexual) at home or elsewhere.

Identifying the need and taking preventative action, including involving the Special Educational Needs Co-ordinator (SENCO), may prevent problems escalating and produce changes for the better in the classroom.

Effective early intervention can also prevent emerging problems from becoming special educational needs. As soon as you spot difficulties, you should liaise with the SENCO so that known special needs can be taken into account or

consideration be given to whether the child has unidentified or unmet special educational needs – such as dyslexia or problems of attention and hyperactivity – and needs support for his or her special educational needs.

Further information can be found in the SEN Code of Practice ([DfES/581/2001](#)) and the [Special Educational Needs Toolkit](#).

Ask the SENCO whether there should be a review of the reasonable adjustments and the special provision, including rewards and sanctions, that may need to be made for that pupil. Examples about how to make reasonable adjustments to the school behaviour policy for pupils with SEN and how to respond to and support pupils with SEN can be found at [www.teachernet.gov.uk/wholeschool/SEN/accessibility](http://www.teachernet.gov.uk/wholeschool/SEN/accessibility).

### **What should I do about a looked after child with challenging behaviour?**

Every looked after child should have a personal education plan (PEP) which is part of the child's overall Care Plan. The PEP should address how behaviour support and issues around attendance will be provided for that child or young person.

The school should have assigned a senior member of staff as "designated teacher" for looked after children and this teacher should have an up to date copy of the child's personal education plan and should have been told about any significant changes in the pupil's home circumstances.

You should speak to your school's designated teacher about the behaviour which the young person is displaying in class and ask whether you have been told all the relevant information. Discuss additional forms of support which may be needed for the pupil and additional support which you may need in the classroom.

Further guidance about how to understand the experiences of looked after children and why it is more difficult for looked after children to manage school life can be found in *'Learn the Child: helping looked after children to learn'* by Kate Cairns and Chris Stanway, available from the British Association of Adoption and Fostering (BAAF).

### **What can I do if I suspect a child has mental health issues?**

Withdrawn behaviour that may indicate the onset of mental illness is often difficult to detect. It can go unnoticed in the classroom, especially when other groups present more disruptive behaviour. Pupils displaying withdrawn, anxious and depressed behaviour are potentially under-identified in all types of setting. Incidents of self-harm, usually involving very small numbers of pupils, occur in about a third of primary, special schools and PRUs and in over half of secondary schools, according to OFSTED.

If you believe a pupil appears withdrawn, anxious or depressed, you should speak to the SENCO, to the school counsellor or to the relevant pastoral lead within your school or PRU.

## APPENDIX TWO: USEFUL WEBSITES

[www.dfes.gov.uk/behaviourandattendance/index](http://www.dfes.gov.uk/behaviourandattendance/index) – DfES website on its Behaviour and Attendance programme.

[www.dfes.gov.uk/bullying](http://www.dfes.gov.uk/bullying) – DfES Don't suffer in Silence website where teachers can obtain anti bullying pack for schools showing practical steps schools can take to combat bullying.

[www.dfes.gov.uk/ibis](http://www.dfes.gov.uk/ibis) – DfES website on Improving Behaviour in Schools.

[www.dfes.gov.uk/schoolattendance](http://www.dfes.gov.uk/schoolattendance) – DfES website on Working Together to Raise Attendance.

[www.standards.dfes.gov.uk/keystage3/issues/behaviour](http://www.standards.dfes.gov.uk/keystage3/issues/behaviour) gives details of the Key Stage 3 Strategy for behaviour and attendance, case studies and a calendar of key activities for behaviour and attendance.

[www.standards.dfes.gov.uk/primary/wholeschool/banda](http://www.standards.dfes.gov.uk/primary/wholeschool/banda) gives details of the Primary National Strategy which is currently working with twenty-five local education authorities to pilot a comprehensive approach to promoting positive behaviour in the primary school. The SEAL ('social and emotional aspects of learning') area of this website includes a curriculum resource to help primary school teachers develop children's social, emotional and behavioural skills.

Go to [www.dfes.gov.uk/exclusions](http://www.dfes.gov.uk/exclusions) for examples of early intervention strategies, good practice in managing exclusions and the latest DfES exclusions guidance.

[www.dfes.gov.uk/behaviourimprovement](http://www.dfes.gov.uk/behaviourimprovement) gives details of the BIP initiative and some of the innovative measures being implemented locally.

[www.behaviour4learning.ac.uk](http://www.behaviour4learning.ac.uk) is a resource network supported by the Teacher Training Agency aimed at behaviour management for teacher training.

[www.teachernet.gov.uk/wholeschool/behaviour](http://www.teachernet.gov.uk/wholeschool/behaviour) gives links to further advice on issues such as bullying, truancy, social issues and pastoral care.

[www.saferschoolpartnerships.org](http://www.saferschoolpartnerships.org) provides information and advice for people developing, operating or working within safer school projects.

[www.anti-bullyingalliance.org](http://www.anti-bullyingalliance.org) provides resources for reducing bullying and creating safer environments.

[www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk) is the Government's Every Child Matters website and includes various guidance from Government on integrating children's services.

[www.restorativejustice.org](http://www.restorativejustice.org) is the Restorative Justice Consortium website and contains principles for schools on using restorative approaches

[www.teachernet.gov.uk/wholeschool/SEN/accessibility](http://www.teachernet.gov.uk/wholeschool/SEN/accessibility) gives guidance on increasing school accessibility and meeting the needs of pupils with special educational needs.











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