



Department  
for Education

# **Behaviour and discipline in schools**

**Advice for headteachers and school staff**

**January 2016**

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# Summary

## About this departmental advice

- This guide is from the Department for Education. It provides advice to headteachers and school staff on developing the school behaviour policy and explains the powers members of staff have to discipline pupils.
- The purpose of this document is to provide an overview of the powers and duties for school staff. It is for individual schools to develop their own best practice for managing behaviour in their school.

## Expiry or review date

This advice will be kept under review and updated as necessary.

## Who is this advice for?

This advice is for:

- School leaders and school staff in **all** schools in England.
- For the purposes of this advice references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.
- For the purpose of this advice references to “Academy” means Academy schools (including mainstream free schools) and AP Academies (including AP Free Schools).
- Where particular provisions do not apply to a particular type of school we make this clear.

## Key points

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.

- Governing bodies of maintained schools have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. The proprietors of Academies have a similar duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. They must ensure that arrangements are made to safeguard and promote the welfare of pupils.

## The school behaviour policy

### What the law says:

#### Maintained schools

1. The headteacher must set out measures in the behaviour policy which aim to:

- promote good behaviour, self-discipline and respect;
- prevent bullying;
- ensure that pupils complete assigned work;

and which

- regulate the conduct of pupils.<sup>1</sup>

2. When deciding what these measures should be, the headteacher must take account of the governing body's statement of behaviour principles. The headteacher 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; and
- pastoral care for staff accused of misconduct.

3. The headteacher must decide the standard of behaviour expected of pupils at the school. He or she must also determine the school rules and any disciplinary penalties for

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<sup>1</sup> Section 89 (1) of the Education and Inspections Act 2006

breaking the rules.

4. Teachers' powers to discipline include the power to discipline pupils even when they are not at school or in the charge of a member of staff.

5. The headteacher must publicise the school behaviour policy, in writing, to staff, parents<sup>2</sup> and pupils at least once a year.

6. The school's behaviour policy must be published on its website (School Information (England) Regulations 2008). Where they do not have a website the governing body should make arrangements for the behaviour policy to be put on a website and to make the address and details (of the website) known to parents.

### **Academy schools<sup>3</sup>**

7. The proprietor of an Academy school is required to ensure that a written policy to promote good behaviour among pupils is drawn up and effectively implemented<sup>4</sup>. The policy must set out the disciplinary sanctions to be adopted if a pupil misbehaves. The proprietor is also required to ensure that an effective anti-bullying strategy is drawn up and implemented.<sup>5</sup> Information about the school's behaviour policy must be made available to parents on request.

8. While Academies are not required by law to publish their behaviour policy on their website, it is good practice to do so.

9. Parental engagement. After the Deregulation Act 2015, Schedule 16 paragraph 2 is commenced in January 2016 schools will no longer have a statutory obligation to have in place home school agreements. Home-school relations are important but schools can determine how best to foster these relationships. If schools choose they can have voluntary home school agreements.

## **Developing the behaviour policy**

10. It is vital that the behaviour policy is clear, that it is well understood by staff, parents and pupils, and that it is consistently applied. In developing the behaviour policy, the headteacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour<sup>6</sup>:

- 1) A consistent approach to behaviour management;
- 2) Strong school leadership;

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<sup>2</sup> References to parent or parents are to fathers as well as mothers, unless otherwise stated.

<sup>3</sup> This section also applies to independent schools.

<sup>4</sup> Education (Independent School Standards) (England) Regulations 2014.

<sup>5</sup> Education (Independent School Standards) (England) Regulations 2014.

<sup>6</sup> Learning behaviour - the Report of the Practitioners' Group on School Behaviour and Discipline" (2005).

- 3) Classroom management;
- 4) Rewards and sanctions;
- 5) Behaviour strategies and the teaching of good behaviour;
- 6) Staff development and support;
- 7) Pupil support systems;
- 8) Liaison with parents and other agencies;
- 9) Managing pupil transition; and
- 10) Organisation and facilities.

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

12. The behaviour policy should acknowledge the school's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with special educational needs (SEN).

## **Discipline in schools – teachers' powers**

### **Key Points**

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school.
- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

# Punishing poor behaviour

## What the law allows:

13. Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that pupil.

14. To be lawful, the punishment (including detentions) must satisfy the following three conditions:

- 1) The decision to punish a pupil must be made by a paid member of school staff or a member of staff authorised by the headteacher;
- 2) The decision to punish the pupil and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff; and
- 3) It must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

15. A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all the circumstances and that account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

16. The headteacher may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip.

17. Corporal punishment is illegal in all circumstances.

18. Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policy. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## Behaviour and sanctions

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

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

21. Schools should have in place a range of options and rewards to reinforce and praise good behaviour, and clear sanctions for those who do not comply with the school's behaviour policy. These will be proportionate and fair responses that may vary according to the age of the pupils, and any other special circumstances that affect the pupil.

22. 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 picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti.
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed "on report" for behaviour monitoring.
- In more extreme cases schools may use temporary or permanent exclusion.



## Pupils' conduct outside the school gates – teachers' powers

### What the law allows:

23. Teachers have the power to discipline pupils for misbehaving outside of the school premises “to such an extent as is reasonable”<sup>7</sup> – see paragraph 21.

24. Maintained schools and Academies' behaviour policies should set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

25. Subject to the behaviour policy, teachers may discipline pupils for:

- misbehaviour when the pupil is:
  - taking part in any school-organised or school-related activity or
  - travelling to or from school or
  - wearing school uniform or
  - in some other way identifiable as a pupil at the school.
- or misbehaviour at any time, whether or not the conditions above apply, that:
  - could have repercussions for the orderly running of the school or
  - poses a threat to another pupil or member of the public or
  - could adversely affect the reputation of the school.

26. In all cases of misbehaviour the teacher can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member.

## Detention

### What the law allows:

27. Teachers have a power to issue detention to pupils (aged under 18).

28. Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

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<sup>7</sup> Section 90 of the Education and Inspections Act 2006

29. The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- a) any school day where the pupil does not have permission to be absent;
- b) weekends - except the weekend preceding or following the half term break; and
- c) non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days'.

30. The headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to heads of year or heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

## **Matters schools should consider when imposing detentions**

31. Parental consent is not required for detentions.

32. As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, as described in paragraph 15 above, when imposing a detention.

33. With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

## **Detentions outside school hours**

34. School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the pupil can get home safely; and
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

# Confiscation of inappropriate items

## What the law allows:

35. There are two sets of legal provisions which enable school staff to confiscate items from pupils:

- 1) The **general power to discipline** (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully<sup>8</sup>. The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and
- 2) **Power to search without consent** for “prohibited items”<sup>9</sup> including:
  - knives and weapons
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
  - any article that has been or is likely to be used to commit an offence , cause personal injury or damage to property; and
  - any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search.

36. Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.

37. More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in ‘Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies’. See Associated Resources section below for a link to this document.

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<sup>8</sup> Section 94 of the Education and Inspections Act 2006

<sup>9</sup> Section 550ZA (3) of the Education Act 1996

## Power to use reasonable force

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

39. Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

40. Schools can also identify additional items in their school rules which may be searched for without consent. Force **cannot** be used to search for these items.

41. Separate advice is available in 'Use of Reasonable Force – advice for school leaders, staff and governing bodies'. See Associated Resources section below for a link to this document.

## Seclusion / isolation rooms

42. Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

43. It is for individual schools to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.

## Associated resources

1. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
2. <https://www.gov.uk/government/publications/searching-screening-and-confiscation>
3. <https://www.gov.uk/government/publications/school-exclusion>
4. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
5. <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
6. The Government's former expert adviser on behaviour, Charlie Taylor, has produced a checklist on the basics of classroom management. Teachers can use it to develop between five and ten essential actions to encourage good behaviour in pupils.  
<https://www.gov.uk/government/publications/good-behaviour-in-schools-checklist-for-teachers>

## Legislative links

[Education Act 1996](#)

[School Standards and Framework Act 1998](#)

[Education Act 2002](#)

[Education and Inspections Act 2006](#)

[School Information \(England\) Regulations 2008](#)

[Equality Act 2010](#)

[The Education \(Independent School Standards\) \(Amended\) \(England\) Regulations 2014](#)

[Education Act 2011](#)

[Schools \(Specification and Disposal of Articles\) Regulations 2012](#)

[The School Behaviour \(Determination and Publicising of Measures in Academies\) Regulations 2012](#)



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