

# Ensuring Good Behaviour in Schools

A Summary for Heads,  
Governing Bodies, Teachers,  
Parents and Pupils

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### Introduction

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

The Government expects:

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

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

### The Behaviour Policy

Every school must have a behaviour policy<sup>1</sup>. The **governing body** is responsible for setting general principles that inform the behaviour policy. The **governing body** must consult the **head teacher, school staff, parents and pupils** when developing these principles.

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

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

forms of bullying among **pupils**. **Head teachers** must publicise the school behaviour policy, in writing, to **staff**, **parents** and **pupils** at least once a year.

## Powers to Discipline<sup>2</sup>

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

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

## Punishment

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

## Searching Pupils<sup>3</sup>

**School staff** can search **pupils** with their consent<sup>4</sup> for any item which is banned by the school rules.

**Head teachers** and **staff authorised by the head teacher** have the power to search **pupils** or their possessions, without consent, where they suspect the pupil has weapons, alcohol, illegal drugs and stolen items.

## Use of Reasonable Force<sup>5</sup>

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

## Allegations of Abuse against Staff

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

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<sup>2</sup> Applies to all maintained schools, Academies and Free Schools.

<sup>3</sup> Applies to all maintained schools Academies and Free Schools.

<sup>4</sup> The ability to give consent may be influenced by the child's age or other factors

<sup>5</sup> Applies to all maintained schools Academies and Free Schools.

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.

## Exclusion<sup>6</sup>

The **head teacher** decides whether to exclude a pupil, for a fixed term or permanently, taking into account all the circumstances, the evidence available and the need to balance the interests of the pupil against those of the whole school community.

Depending on the type of exclusion, in most cases **parents** have the right to make representations to the **governing body** (or discipline committee). In all cases of permanent exclusion **parents** have the additional right to appeal to an independent appeal panel.

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

## Parents

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

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

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

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

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

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<sup>6</sup> Applies to maintained schools through s 52 Education Act 2002 and to Academies and Free Schools through their funding agreements

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

Parents must also ensure that their child attends the suitable full time education provided by the local authority from the sixth day of exclusion. If they do not, the **school** or **local authority** may ask them to sign a parenting contract, may issue a £50 penalty or the **local authority** may prosecute them.

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

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