

The National Programme for Specialist Leaders of Behaviour and Attendance

innovative, effective, practical

**Children, young
people and the law**

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Website

All National Programme for Specialist Leaders of Behaviour and Attendance (NPSLBA) materials are available through the TeacherNet website at: www.teachernet.gov.uk/npslba/

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Aims

Through study of this topic you will:

- Raise awareness of the most important statutory responsibilities for behaviour and attendance leaders
- Know where to find complete and up-to-date information on all legal issues regarding behaviour and poor attendance
- Be aware of the non-statutory guidance available on issues regarding behaviour and attendance
- Begin to develop effective ways of taking a lead in raising the awareness of colleagues of their statutory responsibilities with regard to behaviour and attendance
- Develop ways of supporting colleagues in carrying out their statutory responsibilities with regard to behaviour and attendance
- Begin to understand and share with colleagues the Legal Toolkit for Schools

The aims for this session are on slide 2

Aspects of leadership

The study of this topic will help you to reflect on how you:

- Raise awareness in colleagues of their statutory responsibilities
- Develop shared values, principles and beliefs relating to children, young people and the law
- Develop effective communication which values the opinions of others and strives for mutual understanding
- Develop effective teamwork by supporting colleagues in carrying out their statutory responsibilities; in doing so, to use a solution-oriented and resourceful approach
- Broaden knowledge and develop the ability to research and apply new information

You will want to share this information with the group

Learning outcomes

The study of this topic will help you meet the following learning outcomes:

At level 3

Unit 3.1

- 3.1.5 List key aspects of current legislation relating to the behaviour and attendance of children/young people

Unit 3.2

- 3.2.3 Explain how they can contribute to the development and implementation of induction and development programmes for new staff and volunteers in relation to behaviour and attendance

Unit 3.3

- 3.3.3 Describe the ethical principles and values which have been identified as relating to behaviour and attendance, and how they underpin good policy and practice in working with children/young people
- 3.3.4 Explain the importance of policies and practice which address equality of opportunity, race equality, and promotion of diversity in the context of behaviour and attendance and how they contribute to the role of team leaders in promoting positive behaviour and full attendance

Unit 3.4

- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.2 List the broad non-statutory guidance relating to behaviour and attendance and how it relates to the role of team leader
- 3.4.3 Explain the difference between statutory legal responsibilities and non-statutory guidance in relation to leadership of behaviour and attendance
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance

Unit 3.5

- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting
- 3.5.5 Describe how the specialist team leader of behaviour and attendance can contribute to the work of networks and partnerships that draw up multi-agency policies and practice to promote positive behaviour and full attendance
- 3.10.3 Explain why it is important to comply with data protection legislation and related protocols

You will want to share this information with the group

Learning outcomes

The study of this topic will help you meet the following learning outcomes:

At level 4

Unit 4.1

- 4.1.6 Explain how current legislation relating to children/young people can impact on school/setting policies and practice relating to behaviour and attendance

Unit 4.2

- 4.2.4 Evaluate team and individual skills and knowledge development needs in respect of behaviour and attendance
- 4.2.5 Devise and support induction and development programmes for staff (e.g. new staff, governors, parents and carers) in relation to behaviour and attendance

Unit 4.3

- 4.3.4 Analyse the ethical principles and values that have been identified as underpinning good practice in working with children/young people relating to behaviour and attendance
- 4.3.6 Explain how they would contribute to the development and promotion of policies and practice which address equality of opportunity, race equality, and promotion of diversity in the context of behaviour and attendance

Unit 4.4

- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.2 Evaluate the broad non-statutory guidance relating to behaviour and attendance and explain the implications for the role of specialist leaders of behaviour and attendance
- 4.4.3 Analyse the difference between statutory legal responsibilities and non-statutory guidance and evaluate their application in the leadership of behaviour and attendance
- 4.4.4 Describe where and how to access relevant and up to date information relating to statutory legal responsibilities pertaining to behaviour and attendance
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance

Unit 4.5

- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting
- 4.5.5 Analyse the contribution of the specialist leader of behaviour and attendance in developing networks and partnerships that draw up multi-agency policies and practice to promote positive behaviour and full attendance and an ethos of non-violence

Unit 4.10

4.10.4 Explain the importance of complying with data protection legislation and related protocols and describe ways of doing this

You will want to share this information with the group

Links to national behaviour and attendance strategies

The Behaviour and Attendance Strand of the National Strategy for School Improvement

The Primary Strategy has produced a range of materials to assist with behaviour and attendance issues – further links are given on the [behaviour4learning](#) site

NPSLBA study materials are linked in content to a range of Secondary National Strategy professional development materials.

Both these and the primary materials will support a school in setting the best possible context within which legal issues may be addressed effectively and efficiently.

Every Child Matters, DfES Five-Year Strategy

The Every Child Matters agenda sets out the five outcomes for every child and young person. All of these outcomes may, at some time, be relevant to this topic, particularly the first and second.

The promotion of inclusion within a positive and welcoming learning environment is at the heart of the five outcomes. Positive and trusting relationships, good behaviour, full attendance and feelings of well-being are necessary prerequisites to:

- Being healthy
- Staying safe
- Enjoying and achieving
- Achieving economic well-being
- Making a positive contribution

Attendance

Poor attendance, at school and in other settings, arises for many reasons. In many cases there will be legal implications for both the child and their family. The influence of leaders in developing and implementing a positive vision for behaviour and attendance can be powerful in determining whether children, young people (and staff!) attend well.

DfES Attendance website: www.dfes.gov.uk/schoolattendance

Anti-bullying

The DfES is working to help schools create a climate in which bullying is unacceptable and this has secured a broad consensus, with all the teaching associations and national Anti-bullying Alliance signing up to these principles. The anti-bullying charter is a voluntary commitment to creating an environment in which the ethos, values and beliefs will result in a community which is respectful, inclusive and responds effectively to any bullying incidents. While this charter is voluntary, there will often be significant legal issues in those settings where bullying occurs and this has not been properly addressed.

Violence reduction in schools

Similarly in this area, legal issues may arise in those schools that have not taken appropriate action to minimise and eliminate violence. The violence reduction in schools' programme provides advice for schools and other educational settings to help promote a climate of non-violence and to respond to violent incidents in ways which prevent recurrence. This can be found at:

www.teachernet.gov.uk/wholeschool/behaviour/violencereduction/

behaviour4learning.ac.uk

This website has been developed by the TDA with the specific aim of enhancing the knowledge and skills of those in training. The website has a wealth of relevant materials and resources.

In addition, on page 64 you will find reference to the relevant DfES behaviour and attendance professional development materials

Links to NPSLBA study materials

- 2ab** Leadership in behaviour and attendance
- 2k** The management of provision for individual needs
- 3d** Addressing the causes of poor attendance
- 7a** Creating an ethos of non-violence
- 7b** Incorporating restorative approaches
- 7c** Reducing the risk of violence
- 7d** Learning from violent incidents
- 7f** Managing difficult situations

You will want to share this information with the group

The intersessional activities give group members the opportunity to apply learning in their own educational setting and to gain first hand experience of the leadership issues involved. The intersessional activities focus on areas such as Child Protection; attendance; risk assessment and professional development for staff.

You could use slide 3 to introduce the session

Preparing to lead the session

To do before the session	Check
Familiarise yourself with the content, session leader notes and delivery methods for this topic. You will want to adapt the materials to suit the needs of your group	
Prepare the necessary resources	
Arrange any visitors or speakers as necessary	
Ensure that the group has access to the pre-reading and any additional preparatory activity prior to the session	
Ensure that the group has access to the intersessional activities prior to the session	
Ensure that the group have information regarding when and where the session will take place. <i>You may already have provided this in the forward look at the previous session</i>	
During the session	
Complete the attendance record and send to your Regional Coordinator	
The previous session leader will review intersessional activities from the earlier topic	
Focus the attention of the group on the key questions that will help them gain most benefit from the session	
These questions will also help focus reflection in the reflective log	
Introduce the activities and take feedback	
Review the learning	
Lead the group in a discussion about the intersessional activities and ensure they understand the options.	
Encourage group members to reflect on each section of the 'Framework for evaluating options' and to complete the section 'My next three steps are...'	
Ensure the group complete and return the session feedback form to your Regional Coordinator	
Follow up	
Collate and distribute any material that you have agreed to circulate	
Reflect on your role as session leader in your reflective log	
At the beginning of the next meeting you will have a 10 minute slot to review intersessional activities with the group and to share ways in which learning might be further developed	

Equipment	Check
Data projector and screen or interactive whiteboard	
Presentation slides	
Flipchart and marker pens	
Sticky notes	
Refreshments	

Resources	Check
Preparatory reading and reflection	
Activity 2	
Resource A <i>Is anyone breaking the law? Brief case studies</i>	
Resource B <i>Is anyone breaking the law? Answer sheet</i>	
Resource C <i>What should happen next? Detailed case studies</i>	
Activity 3	
Resource A <i>The Legal Toolkit for Schools-you will need to download this</i>	
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Resource A <i>Specific Legal Duty</i>	
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You might want to adapt these activities or use alternative materials to help you meet the particular needs of your group

Review of intersessional activities

Write each of the four headlines below on a large sheet of paper. Display these around the room.

Read out the questions in full and allow the group five minutes to jot down their responses to each question on sticky notes. Ask group members to place each note under the appropriate heading.

Allow the group a further five minutes to look at the responses of others in the group.

1. In carrying out your chosen Intersessional Activity, were there any important leadership issues that arose?

'Leadership Issues'

2. Were there any organisational or structural issues that particularly supported you in, or prevented you from, carrying out the activity successfully?

'Organisational Issues'

3. Were there aspects of your own skills and knowledge that helped or prevented you from carrying out the activity successfully?

'Skills and Knowledge'

4. What were the most successful and enjoyable aspects of your experience with the Intersessional Activity?

'What went well?'

After 10 minutes move on to discuss the reading and preparatory activity for this topic

Preparatory reading and reflection

Suggestions

Following the preparatory reading, consider the questions below as they relate to your own experience.

Questions for discussion and reflection

- *In your experience, do the statutory requirements described satisfactorily cover all the responsibilities assumed by those working with children and young people?*
- *How widely known and understood are the statutory requirements among your own work colleagues?*
- *In your current role as a leader of behaviour and attendance, which elements of statutory regulation have implications for your work? Look particularly at the section headed '**Implications for leaders of behaviour and attendance**'*

You should bring along any notes you make to the session.

Preparatory activity

Purpose

To provide an opportunity to discuss the statutory requirements relevant to behaviour and attendance and how they inform the responsibilities of staff.

To consider one area of the law in detail and to consider how this one area would impact on the role of specialist leaders and/or that of colleagues

Suggestions

Resource – Preparatory reading and reflection

The preparatory reading summarises the most important statutory requirements for those whose job involves working with children and young people. It includes summaries of legislation and, most importantly, explains where to find the full details of all the statutory requirements which relate to working with children and young people. It sets out some possible responsibilities for leaders in behaviour and attendance.

Following your reading choose one area of the law as it relates to your work; look up the complete legislation relating to the statutory requirements, using the appropriate sources listed in the text.

Activity 1

Moral and legal considerations



40 minutes

Purpose

This activity explores the legal framework with which all those who work with children and young people must be familiar and to which they must be prepared to conform. By the end of this activity, group members should be aware of the most important laws that protect children and should know where to look for more detailed legal advice. Group members should also begin to be aware of the distinction between the statutory regulations and non-statutory guidance they will need to take note of in their work with children.

Suggestions

For this activity, group members should set aside any knowledge they might have of the law and to think purely in moral terms. Ask them to think merely in terms of what is right and wrong.

If a friend or another member of your family has occasion to ask you to look after their child for a day – and you agree to do so – what responsibilities are you taking on? What can your friend reasonably expect you to do, or not do, while you have charge of the child?

'My friend can reasonably expect me to make sure that her or his child is...'

'My friend can reasonably expect me to make sure that her or his child does not...'

Write down each of the responsibilities you have identified on sticky notes. Allow five minutes.

Collect the sticky notes and arrange them on two sheets of flipchart. Read out the ideas *will make sure the child is... and I will make sure the child does not...* as you do this, group similar ideas together.

Make sure that every idea that has been suggested is displayed.

Ask the group to assess their level of agreement with the notes using a rating scale (1 = no agreement, 10 = full agreement), and consider any differences of opinion or emphasis that they may show.

For example, taking the child to the park might help discharge a responsibility to keep them healthily entertained, but if getting to the park involves crossing two busy roads, the responsibility to keep them safe may be compromised.

Note any caveats raised: *'It all depends...'*

Ensure the follow up discussion lasts no longer than ten minutes. If possible aim for a summing up which notes that, in the situation described, there are fairly straightforward overall moral responsibilities, but in each particular circumstance there are individual decisions to be made. *'It all depends...'* hence the need for laws, especially when childcare is in the hands of professionals, rather than a friend or family member.

The following part of Activity 1 should take no more than 15 minutes.

Working in pairs, look back at the preparatory reading, which lists the key laws governing the work of those whose jobs involve responsibility for children and young people.

The pairs should compare this list with the group's list of the moral responsibilities incurred whilst looking after someone else's child.

This can only be a generalised scan of the main topics covered by the legislation, to compare with the wide moral issues that were raised in the previous discussion.

Pairs may find it useful to focus on one or more of the following questions:

- *Are all the items on your list covered by laws?*
- *In your view, what did you miss out?*
- *Is there anything missing from the list of laws?*
- *What are the 'it depends...' issues relating to*
 - a. *key laws and*
 - b. *moral responsibilities*

Briefly reconvene the group to share important issues raised by the pair work. Pay particular attention to suggestions of elements that seem to be missing from the list of legal requirements and the distinction between statutory regulations and non-statutory guidance.

Remind each group to note any key points for themselves as specialist leaders as they reflect on this activity and to follow up areas as necessary.

Activity 2

Theory into practice



40 minutes

Purpose

The next activity provides an opportunity to think about the law in practice and to consider:

- How you might take a lead in raising the awareness of colleagues of their statutory responsibilities with regard to behaviour and attendance
- How you might support them in carrying out their statutory responsibilities

Resources

Resource A *Is anyone breaking the law? Brief case studies*

Resource B *Is anyone breaking the law? Answer sheet*

Resource C *What should happen next?*

Suggestions

Group members should work in pairs for the first part of Activity 2.

Consider each of the situations briefly described in Resource A. Answer this question for each situation described:

- *Has anyone here broken the law?* This must be a 'yes' or 'no' answer

Work quickly through the list, taking no more than a minute for each situation. Follow this by sharing the correct answers (Resource B). It is important to keep to time.

Next, encourage pairs to revisit the various situations described to consider:

- The guidance you would give to any colleague involved in a similar situation
- How you would minimise the possibility of colleagues breaking the law or failing to follow guidelines
- What training would be provided, by whom and when, in the educational setting planning cycle

Pairs should share their answers with the group as a whole.

Support group members as they reflect on the leadership issues that are raised. What specifically does a leader need to do when dealing with these types of situation? For example, know the law, communicate, model good practice, etc. The group should be considering how to raise colleagues' awareness of their responsibilities, rather than just protecting themselves.

For this next part of Activity 2, group members give a more detailed case study – Resource C – so that they begin to evaluate from a legal point of view. Divide the group into two sub groups of roughly equal size.

You could deliberately divide pairs by asking them to name themselves 'A' and 'B'. Then make one group out of the 'As' and the other from the 'Bs'. Use your knowledge of the group to decide the most appropriate groupings for this activity.

Each group should examine one of the case studies to determine and agree what action should be taken and by whom.

Ask the group to consider all or some of the following issues:

- The immediate legal implications
- The proper procedures that should be in place to deal with, or prevent, the situation
- Any disciplinary action that might need to be taken
- The involvement of parents/carers
- Any need to refer to governors
- Counselling and other forms of support that may be needed

Ask each group to present their case study together with the recommended actions to the other group.

Encourage groups to organise and present their work in a structured way.

Ask the group to compare their responses. Encourage them to ask each other questions such as 'Did you mention...?' or 'Did you notice...?' etc.

When each group has presented, help group members to identify leadership issues that have emerged. In particular, consider the question: 'What do leaders need to know, understand and do in circumstances such as these?'

Use the flipchart to summarise and collate ideas.

Look, with the group, for similarities and groupings of ideas.

Activity 3

Policies and procedures – The Legal Toolkit for Schools



35 minutes

Purpose

Not all legislation relevant to schools and similar places is designed to protect children. The 'Legal Toolkit for Schools' is aimed at protecting staff from abuse and aggressive behaviour by parents. The final activity uses the 'Legal Toolkit for Schools' as an example of how to analyse and present the legal issues surrounding an aspect of school life, along with the related guidance and policies and procedures.

Resources

Resource A 'Legal Toolkit for Schools' –

<http://publications.teachernet.gov.uk/eOrderingDownload/dfes-0504-2002.pdf>

Suggestions

The legal toolkit for schools is an excellent example of legal information and guidance. In it, group members can find a summary of the statutory regulations (page 5, pages 18 – 21), guidance on risk assessment (page 4), advice on drawing up policy and procedures, and much more.

Download and print sufficient copies of the Legal Toolkit for Schools, so that the group can use it as the starting point for consideration of the following question:

What are the implications for specialist leaders in supporting governors and head teachers in their responsibility to ensure that colleagues adhere to statutory requirements and follow non-statutory guidance?

Obviously, there will not be time for group members to explore the Toolkit in detail. This activity is simply intended to prompt discussion of the question. However, it is vital that you have reviewed the Toolkit yourself and are clear about what it contains, so that you can point to the ways in which it addresses the particular issue of abuse and aggressive behaviour directed against staff. The Toolkit provides advice on:

- Drawing up a school policy
- Risk assessment
- Useful remedial action
- Identifying where relevant power and responsibility lies

Chair the discussion and note any key points on the flipchart. Remind group members that, although non-statutory guidance does not have to be followed, if a school does not follow it without a good reason it would have a weak defence in any consequent litigation.

In the discussion, remind the group that this might be about:

- Maintaining up to date knowledge
- Skills development
- Mentoring
- Modelling

- Monitoring processes
- Evaluating outcomes

Refer the group also to any lessons learned from discussion of the case studies in Activity 2.

You may be running out of time at this point. The key issues to stress from this exercise are that the Toolkit is a very useful resource and that there are other useful resources.

Remind the group to reflect on the leadership issues raised in the Reflective Log.

Session review

You could use the questions below to help the group focus on the learning from this session.

What has been the key learning for individuals?

Ask group members to suggest one thing that has stimulated, interested or surprised them and that they will share with others.

What aspect(s) of their practice, as a leader, will change as a result of studying this topic and participating in this session?

Ask group members to focus on leadership knowledge, skills, and understanding.

Session leader only

What has been the key learning for you? Record your thoughts in the reflective log.

Now spend 20 minutes looking at the selection of Intersessional Activities.

Remind the group to complete feedback forms and send to your Regional Coordinator.

Intersessional activities

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Intersessional Activity 1

Understanding a specific legal duty

Purpose

To understand how a single aspect of the legal requirement on a school is addressed.

Audience

Teacher, support staff, PRU and LSU staff

Use of expert

Interview with the school manager who has lead responsibility in relation to the specific legal duty

Short-term

1 hour identifying focus of study and choosing the specific legal duty to be investigated
1 hour discussion with relevant school manager
1 hour writing up research and conclusions

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

Use the preparatory reading text one to identify **one** requirement of the school. This could relate to:

- Attendance
- Behaviour
- Specific SEN (BESD) issues
- Child Protection

In discussion with the senior manager, identify exactly how that duty is exercised:

- *Who has operational responsibility to ensure it is met?*
- *How is this duty monitored to make sure the duty is being met?*
- *How are staff made aware of their responsibilities and rights?*

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

Developing communication skills

Understanding how whole school policy must reflect legal requirements.

Undertaking analysis which enables school to develop future practice.

Reporting

Record your conclusions about effective practice and any development issues. Use Intersessional Activity 2 Resource A if this helps to structure your thoughts.

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.1.5 List key aspects of current legislation relating to the behaviour and attendance of children/young people
- 3.2.4 Describe how the role of team leader can contribute to the content and support the implementation of strategic plans and policies relating to behaviour and attendance
- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting
- 3.5.5 Describe how the specialist team leader of behaviour and attendance can contribute to the work of networks and partnerships that draw up multi-agency policies and practice to promote positive behaviour and full attendance

Level 4

- 4.1.6 Explain how current legislation relating to children/young people can impact on school/setting policies and practice relating to behaviour and attendance
- 4.2.6 Analyse the role of a leader in influencing strategic planning and policy making
- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting
- 4.5.5 Analyse the contribution of the specialist leader of behaviour and attendance in developing networks and partnerships that draw up multi-agency policies and practice to promote positive behaviour and full attendance and an ethos of non-violence

Intersessional Activity 2

The law on child protection

Purpose

To further understand the leadership responsibilities, legal and guidance requirements of the designated member of staff responsible for child protection.

Audience

All group members

Use of expert

Interview with designated member of staff responsible for child protection and safeguarding children

Short-term

1 hour preparation of questions
1 hour interview
2 hours preparing presentation
2 hours delivering presentation and evaluating responses

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

Explore the TeacherNet 'Safeguarding Children' site and draw up a list of questions to discuss with the designated staff member in your educational setting. Make sure your questions cover the following aspects:

- How the designated staff member exercises his or her duties
- How the designated staff member deals with child protection issues
- The training and support available for the designated staff member and others in the school

In your discussion, be aware that although one person is *accountable* within the institution, child protection is everyone's *responsibility*. You should also understand that child protection, in principle, overrides other laws, especially those relating to data protection and disclosure. Think about how you will give feedback to the designated staff member based on your own knowledge and research.

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

You will have developed your understanding of key roles and issues as defined in law and guidance.

Successful use of a presentation to staff to raise their awareness as evidenced by audience evaluation grades or comment.

You will have developed your communication skills, (constructing a questionnaire, interviewing a colleague, preparing feedback).

Reporting

Keep a record of the presentation, handouts, notes and slides. Analyse the evaluation responses and revise your presentation in light of these responses.

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.2.3 Explain how they can contribute to the development and implementation of induction and development programmes for staff, and volunteers in relation to behaviour and attendance
- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting
- 3.10.3 Explain why it is important to comply with data protection legislation and related protocols

Level 4

- 4.2.5 Devise and support induction and development programmes for staff (e.g. new staff, governors, parents and carers) in relation to behaviour and attendance
- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.4 Describe where and how to access relevant and up to date information relating to statutory legal responsibilities pertaining to behaviour and attendance
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting
- 4.10.4 Explain the importance of complying with data protection legislation and related protocols and describe ways of doing this

Intersessional Activity 3

The law on attendance

Purpose

To further understand leadership roles and effective practice in implementing the law on attendance.

Audience

Teachers, support staff, learning mentors in mainstream, LSU and PRU settings

Use of expert

Interview with an education welfare officer (EWO)

Short-term

2 hours – research on DfES behaviour and attendance website and developing questionnaire
1 hour – interview
1/2 hour – write up outcomes of interview
2 hours – work with EWO to suggest next steps for the school/ setting
1 hour – present your findings and next steps to senior colleagues

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

Include the following questions in your interview:

- What are the specific duties of the EWO in relation to the law?
- What powers does the EWO Service have and what are the thresholds for intervention?
- What are the school procedures for registration? In particular, what is the policy for authorising absences?
- What do the attendance codes mean?
- How should attendance patterns be monitored and analysed?
- How can this analysis be used to trigger action to improve attendance?
- What does this school do particularly well in relation to managing attendance?
- What are the areas for development and how could improvement be achieved?

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

You will have developed your communication skills, (constructing a questionnaire, interviewing a colleague, preparing feedback).

You will have developed skills in providing a summary of current practice in the school or setting.

You will have produced and communicated a plan to improve either policy, practice or aspects of both.

Intersessional Activity 4 – Resource A will help with this task.

Reporting

Keep a record of the summary, evaluation and action plan.

Complete a relevant report for your Reflective log.

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting
- 3.5.5 Describe how the specialist team leader of behaviour and attendance can contribute to the work of networks and partnerships that draw up multi-agency policies and practice to promote positive behaviour and full attendance.
- 3.10.3 Explain why it is important to comply with data protection legislation and related protocols

Level 4

- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.4 Describe where and how to access relevant and up to date information relating to statutory legal responsibilities pertaining to behaviour and attendance
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance.
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting
- 4.5.5 Analyse the contribution of the specialist leader of behaviour and attendance in developing networks and partnerships that draw up multi-agency policies and

practice to promote positive behaviour and full attendance and an ethos of non-violence

4.10.4 Explain the importance of complying with data protection legislation and related protocols and describe ways of doing this

Intersessional Activity 4

Assessing training needs relating to children, young people and the law

Purpose

To map the training needs of staff in relation to a specific legal duty.

Audience

Staff in mainstream, PRU, LSU, special

Use of expert

Use of school, LEA or other expert on a specific legal aspect

Short-term

2 hours – research and compiling a questionnaire – that should take only 10 minutes to complete
2 hours – test, adapt and then administer the questionnaire
4 hours – complete analysis and action plan to present to senior managers

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

Use TeacherNet to identify one specific legal duty placed on teachers or other designated members of staff in the field of attendance or behaviour (such as a focus on knowledge of specific issues related to attendance, child protection or rights with regard to detention).

Construct a short questionnaire or interview schedule to gather a range of staff views. This should be designed to test:

- Staff knowledge of specific legal duties and responsibilities
- Staff knowledge of what school policy requires them to do to fulfil this duty
- Staff perceptions of training needs in relation to this legal duty

It would be standard practice to test such a questionnaire or interview schedule first on two colleagues to make sure the questionnaire is clear and focused. Ask for brief time within a staff meeting to explain that the questionnaire will take no more than ten minutes to complete and will help raise awareness of future training needs. Then, administer the questionnaire. Analyse and present the results in graphical or diagrammatic form, then draw up a proposed training plan. If time is short, it is possible to generate useful data by presenting the questionnaire in the form of a quiz as part of a staff meeting or staff development day. This will give a good idea of what staff members know and which areas to focus on when drawing up a staff development plan.

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

You will have developed your communication skills (devising a questionnaire, interviewing colleagues, administering a quiz).

You will have developed skills in analysing results of questionnaires or interviews.

You will have used your skills to make suggestions for a staff development plan, (based on data analysis), to develop staff understanding of legal duties and responsibilities.

Some aspects of the development plan will be completed. Intersessional Activity 5 Resource A will help with this task.

Reporting

Keep a record of the results of your research and the resulting staff development plan.

Complete a relevant report for your Reflective log.

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.2.3 Explain how they can contribute to the development and implementation of induction and development programmes for staff and volunteers in relation to behaviour and attendance
- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.2 List the broad non-statutory guidance relating to behaviour and attendance and how it relates to the role of team leader
- 3.4.3 Explain the difference between statutory legal responsibilities and non-statutory guidance in relation to leadership of behaviour and attendance
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting

Level 4

- 4.2.5 Devise and support induction and development programmes for staff (e.g. new staff, governors, parents and carers) in relation to behaviour and attendance
- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.2 Evaluate the broad non-statutory guidance relating to behaviour and attendance and explain the implications for the role of specialist leaders of behaviour and attendance
- 4.4.3 Analyse the difference between statutory legal responsibilities and non-statutory guidance and evaluate their application in the leadership of behaviour and attendance

- 4.4.4 Describe where and how to access relevant and up to date information relating to statutory legal responsibilities pertaining to behaviour and attendance
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting

Intersessional Activity 5

The law as it relates to adolescent sexual behaviours

Purpose

To explore leadership knowledge and understanding relating to the law and guidance relevant to adolescent sexual behaviours.

A young person may tell a staff member that they are having underage sex, that they have unprotected sex, or that they fear they, a friend or a girlfriend is pregnant. What should staff do in such circumstances?

Audience

Staff in secondary, mainstream, PRU, LSU, special educational provision

Use of expert

It may be useful to discuss this work with the designated teacher for child protection, or with other specialist staff in the school, a social worker or educational psychologist

Short- term

2 hours – research into this aspect of the law
2 hours – produce statement in the issues for SLT
1 hour – present statement and read in a discussion on the issues raised

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

Use guidance from TeacherNet and local authority sources to produce an advisory statement about how your educational setting can support young people under 16 in relation to their sexual behaviours.

Prepare a list of the issues raised for your workplace.

Lead a discussion of these issues with senior colleagues; offer advice and recommendations as appropriate.

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

You will have developed skills in preparing a report, leading a staff discussion, presenting advice and preparing recommendations.

Production of advisory statement for colleagues, outlining how educational settings can support young people under 16 in relation to their sexual behaviours.

Reporting

Keep a record of the advisory statement and the discussion points raised with senior colleagues. Complete a relevant report for your Reflective log.

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.2.3 Explain how they can contribute to the development and implementation of induction and development programmes for staff and volunteers in relation to behaviour and attendance
- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.2 List the broad non-statutory guidance relating to behaviour and attendance and how it relates to the role of team leader
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting

Level 4

- 4.2.5 Devise and support induction and development programmes for staff (eg new staff, governors, parents and careers) in relation to behaviour and attendance
- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.4 Describe where and how to access relevant and up to date information relating to statutory legal responsibilities pertaining to behaviour and attendance
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting

Intersessional Activity 6

Risk assessment

Purpose

To develop the use of risk assessments to assist in shaping improvements in the behaviour of a child or young person.

This activity will focus on a specific child in your workplace who presents issues of health and safety – for example, working in a laboratory, workshop, PE, or Art outdoor visits. These must be issues where the child or young person's health and safety is at risk and present a possible risk to the health and safety of others.

Audience

Staff in mainstream, PRU, LSU, Special

Use of expert

Health and safety officer, school behaviour specialist, social worker or staff from other agencies

Short- term

1 hour - Agreeing programme format and activities:
At least half a term - Implementation and analysis
2 hours - Drawing evidence for conclusions and write up

Links to the learning process

Practical application
Feedback and reflection
Embedding the experience

Suggestions

Before you begin this activity you should meet with senior colleagues to agree protocols.

In discussion with senior managers, find out about the risk assessment process as it applies to children and young people's behaviour in class. There may be website information from your LA Health and Safety team as well as school guidance available. Work with appropriate staff to identify a child or young person who presents health and safety risks. Undertake a risk assessment with a colleague and the child or young person to identify the problems and issues. Agree ways in which the negative behaviour can be minimised and positive behaviour reinforced. Agree a monitoring strategy over a period of at least half a term.

Evaluate how effective the strategy was in producing improvement in the behaviour of the child or young person in relation to the issues of health and safety. Produce a model process for how risk assessments might be used as part of the whole school approach to developing positive behaviour.

Note: Refer closely to the Disability Discrimination Act, as amended by SEN and Disability Act 2001. See <http://www.disability.gov.uk/policy/sen>. Caution will be needed when considering what represents 'reasonable adjustment'. Otherwise, it is possible that risk assessment is used simply to justify permanent removal of a child or young person from school.

At the end of the Intersessional Activity you should meet again with senior colleagues to discuss the impact this activity has had within your workplace.

You should record the key points from this conversation.

Outcomes

You will have developed your skills in researching, analysing risk, developing action plans, monitoring and evaluation.

Work throughout the process with senior staff to ensure changes in policy and practice in managing children or young people where there are health and safety risks have a positive impact.

Reporting

Keep a record of all your notes for this activity and the final report.

Complete a relevant report for your Reflective Log

Accreditation

This Intersessional Activity offers the potential to help you meet the following learning outcomes, depending on the nature of the assessment chosen and the elements you choose to include in your evidence:

Level 3

- 3.2.3 Explain how they can contribute to the development and implementation of induction and development programmes for staff and volunteers in relation to behaviour and attendance
- 3.4.1 List the statutory responsibilities of individuals, the school/setting, other agencies and the wider community in relation to children/young people
- 3.4.4 Describe the potential impact of legal responsibilities on the role of the team leader of behaviour and attendance
- 3.4.5 Describe the contribution that specialist team leaders of behaviour and attendance can make in supporting colleagues to comply with relevant statutory responsibilities relating to behaviour and attendance
- 3.5.1 State how to access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in your school/setting
- 3.10.3 Explain why it is important to comply with data protection legislation and related protocols

Level 4

- 4.2.5 Devise and support induction and development programmes for staff (e.g. new staff, governors, parents and carers) in relation to behaviour and attendance
- 4.4.1 Describe the statutory responsibilities of individuals, the school/setting and other agencies in relation to children/young people
- 4.4.5 Analyse how legal responsibilities can impact on the role of specialist leaders of behaviour and attendance
- 4.4.6 Explain how they could take the lead in supporting colleagues to comply with their statutory responsibilities relating to behaviour and attendance
- 4.5.1 Identify and access relevant and up to date information which supports systems and organisational procedures for behaviour and attendance in their own school/setting
- 4.10.4 Explain the importance of complying with data protection legislation and related protocols and describe ways of doing this

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Preparatory reading and reflection

It is necessary for specialist leaders to have a good knowledge and understanding of the law as it relates to the educational setting, its buildings, its staff and above all, the children and young people who are entrusted to their care.

As well as passing laws, the Government also issues guidance to those closely affected by them. Guidance documents do not have the full force of the law, but they are sometimes used as evidence in court to settle points of interpretation.

Specialist leaders of behaviour and attendance have a particular need to be aware of relevant laws and guidance because they so often deal with sensitive and potentially explosive situations. It is not unusual for them to be involved in discussions during which the law is invoked, by them or by others. It is vital that they have a good understanding of the law as it relates to children and young people.

It is equally important to be aware that statutory requirements change as new laws are drafted and enacted. So, just as it is necessary for specialist leaders to know and understand the relevant laws, they must also know how to keep themselves up to date in this area.

The most significant recent legislation concerning children and in particular children in the educational context is listed below. New legislation and guidance will continue to evolve and it is important to be aware of these changes as they occur. This reading provides a summary and brief outline of the implications of these laws for specialist leaders of behaviour and attendance.

- The Education and Inspections Bill 2006
- Anti-Social Behaviour Act 2003
- Children Act 1989
- Education Act 2002
- The Adoption and Children Act 2002
- The Children Act 2004
- Special Educational Needs and Disability Act 2001
- Care Standards Act 2002
- Carers and Disabled Children Act 2002
- Children (Leaving Care) Act 2000
- Freedom of Information Act 2000
- Race Relations (Amendment) Act 2000
- The Data Protection Act 1998
- The Education (Pupil Registration) Regulations 1995
- The Education (Pupil Registration) (Amendment) Regulation 1997
- The Education (Pupil Registration) (Amendment) (England) Regulations 2001
- The Education Act 1996
- Crime and Disorder Act 1998
- Various laws relating to exclusion

As well as maintaining current knowledge specialist leaders must ensure that the colleagues whom they lead are also up to date.

A short summary of the most important statutory requirements for those whose job involves working with children.

In each section, you will find:

- The title of the relevant act or guidance document
- Sources where more information can be found
- A brief summary
- Some of the implications for leaders of behaviour and attendance

The Education and Inspections Bill

<http://www.teachernet.gov.uk/educationoverview/briefing/currentstrategy/educationandinspectionsbill/>

<http://www.dfes.gov.uk/publications/educationandinspectionsbill/>

In autumn 2005 the Government published the Schools White Paper - Higher Standards, Better Schools For All, a major step forward in the Government's aim of ensuring that every child in every school in every community gets the education they need to enable them to fulfil their potential. Many of these changes do not require legislation; others are taken forward by the Education and Inspections Bill which was published on the 28 February 2006. The Bill also includes some provisions which were not included in the White Paper, for example those on inspectorate reform.

(<http://www.dfes.gov.uk/publications/educationandinspectionsbill/>)

The Bill gives local authorities an enhanced strategic role as champion of children, young people and parents, with a duty to promote choice, diversity and high standards for every child. As the commissioner of school places, they will take all decisions relating to school organisation. All schools will be able to become Trust schools and acquire new freedoms, and there will be new safeguards allowing for a Trust and trustees to be removed in certain circumstances. There will be a strong voice for parents through Parent Councils.

The Bill tightens the admissions framework to ensure fair access for all; reaffirming the ban on new selection by ability; outlawing interviewing; strengthening the status of the Code on School Admissions; and giving Admission Forums new powers. Fair access will also be supported by an extended duty on local authorities to provide free transport for the most disadvantaged families.

The Bill creates a power for staff to discipline children and young people, extend the scope of parenting orders and contracts, and improve provision for excluded children and young people. It will put in place a new entitlement to specialised Diplomas for young people, establish new nutritional standards for food and drink served in maintained schools, and give local authorities responsibility for making sure young people have a range of exciting things to do in their spare time. It also merges several existing inspectorates into a single inspectorate to cover the full range of services for children and young people, as well as life-long learning.

For further information you could visit the DfES website.

Some of the main provisions in the Bill are as follows:
(<http://www.dfes.gov.uk/publications/educationandinspectionsbill/>)

Trust schools:

The Bill will enable all schools to become Trust schools by forming links with external partners who will be able, should the school choose, to appoint the majority of the Governing Body. Trust schools will:

- Own their own assets,
- Employ their own staff
- Set their admission arrangements
- Be able to apply for additional flexibilities

There will be safeguards around the acquisition of Trusts.

Local authorities:

Local authorities will take on a new strategic role including:

- Duties to promote choice, diversity and high standards for every child
- A duty to respond to parental concerns about the quality of local schools
- Acting as decision-maker on school organisation matters
- Responsibility for making sure young people have a range of exciting things to do in their spare time

Fair access:

The Bill will tighten the admissions framework to ensure fair access for all:

- Reaffirming the ban on new selection by ability
- A ban on interviewing
- Strengthened status for the Code on School Admissions
- New powers for admissions forums
- An extended duty on local authorities to provide free transport for the most disadvantaged families

The Bill will also:

- Create a power for staff to discipline children and young people
- Extend the scope of parenting orders and contracts
- Improve provision for excluded children or young people
- Put in place a new entitlement to specialised Diplomas for young people
- Establish new nutritional standards for food and drink served in maintained schools
- Merge several existing inspectorates into a single inspectorate to cover the full range of services for children and young people

Anti-Social Behaviour Act 2003

Sources

www.publications.teachernet.gov.uk

www.teachernet.gov.uk

www.hmso.gov.uk

Summary

Guidance on the education-related provisions in the Anti-Social Behaviour Act 2003 (DfES/0234/2004) relates to parenting contracts and orders arising from truancy and exclusion from school. Separate guidance on parenting orders and contracts arising from criminal conduct and/or anti-social behaviour has been published by the Home Office. Details of this guidance can be found on TeacherNet: <http://publications.teachernet.gov.uk/>.

TeacherNet summarises the guidance as follows: although the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Contribute to the construction of a Parenting Order in partnership with other agencies
- Contribute to the construction of an attendance agreement
- Work with other agencies to support a child or young person who is subject to an Anti-Social Behaviour Order (ASBO)
- Coordinate school and other staff to support, monitor and evaluate the effectiveness of an individual education plan

Children Act 1989

Sources

<http://www.ntas.org.uk/resources/childrenact.htm#main>

www.hmso.gov.uk

www.teachernet.gov.uk

Summary

A number of very important principles are embodied in the Children Act 1989:

- The welfare of the child is the paramount consideration
- Wherever possible, children should be brought up and cared for within their own families
- Parents with children in need should be helped to bring up their children themselves. This help would be provided as a service to the child and his family and should be provided in partnership with the parents; meet each child's identified needs; be appropriate to the child's race, culture, religion and language; be open to effective independent representations and complaints procedures; and draw upon effective partnership between the local authority and other agencies, including voluntary agencies
- Children should be safe and be protected by effective intervention if they are in danger
- When dealing with children, courts should ensure that delay is avoided, and may only make an Order if to do so is better than making no order at all
- Children should be kept informed about what happens to them, and should participate when decisions are made about their future
- Parents will continue to have parental responsibility for their children, even when their children are no longer living with them. They should be kept informed about their children and participate when decisions are made about their children's future

- Further information about parental responsibility and other relevant issues can be found on the TeacherNet website

This summary is taken from the National Teaching Advisory Service website and is based largely upon 'An Adviser's Guide to the Children Act' (Department of Health, 1991), 'The Children Act and Schools' (Whitney, 1993) and 'Working Together Under the Children Act' (Department of Health, 1991).

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Gather and communicate information about a child or young person's educational progress in accordance with the Child Protection Policy of the organisation
- Undertake liaison work in conjunction with other agencies to ensure family support is available from appropriate sources
- Represent the educational setting at a multi agency meeting

Education Act 2002

Source

www.teachernet.gov.uk/educationoverview/briefing/educationact/

Summary

The Education Act 2002 implements the legislative commitments set out in the white paper 'Schools – Achieving Success'. It is a substantial and important piece of legislation intended to raise standards, promote innovation in schools and reform education law.

A wall chart setting out key dates (for example when provisions come into force and the timing of consultations) is now available. Look at the wall chart and see what action may be required for your setting in the area of behaviour and attendance:

www.teachernet.gov.uk/docbank/index.cfm?id=2876

Section 175 of the Act places a duty on LAs and governing bodies to safeguard and promote the welfare of children. The 'Safeguarding Children in Education' guidance (DfES 0027-2004) refers to a number of other key guidance documents. These are listed below:

- Training Pack for Governors
- Sure Start Delivery Guidance for 2004-2006
- Extended Schools Detailed Guidance
- Work Experience and the Law
- Guidance on Part 1 of the Sexual Offences Act 2003
- Guidance on Part 2 of the Sexual Offences Act 2003
- The Use of Force to Control or Restrain Pupils
- Guidance on Staff Facing an Allegation of Abuse
- Managing the Aftermath of Unfounded and Unsubstantiated Allegations
- Staff Subject to Allegations: Thresholds for and Alternatives to Suspension
- Definitions and Thresholds for Managing Allegations Against Education Staff
- Barring People from Working with Children in Education
- Hidden Harm — Responding to the Needs of Children of Problem Drug Users
- Safeguarding Children Involved in Prostitution
- The Female Genital Mutilation Act

- Dealing with Cases of Forced Marriage — Guidelines for Police
- Young People & Vulnerable Adults Facing Forced Marriage — Practice Guidance for Social Workers

Links to further information on each of these documents can be found at:

<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/guidance/documentsreferredto/>

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Ensure that staff are kept aware of changes to their legal requirements and duties
- Attend and participate in reviews and case conferences, taking decisions based on the principles of ‘safeguarding children in education’
- Work with child protection designated staff in devising and implementing plans to support vulnerable children and those at risk
- Have an understanding of when to seek further support and the involvement of other agencies

The Adoption and Children Act 2002

Sources

www.dfes.gov.uk/adoption/adoptionreforms/implementact.shtml

Summary

There may be times when children and young people who are looked after are going through the adoption process. Information is required from schools to support the planning process for children so that a holistic package of support is provided.

The first stage of the Act, dealing with local authorities’ duties to provide an adoption service and support services, was implemented in April 2003. The second stage relating to inter-country adoptions came into effect on 1 June 2003 and the third stage, relating to Adoption Support Services, was implemented on the 31 October 2003. Changes to parental responsibility were implemented on 1 December 2003.

Taken from the Compact Law website

Implications for leaders of behaviour and attendance

A specialist leader in behaviour and attendance will need to:

- Be aware of the regulations and duties relating to looked after children in relation to multi-agency support working, exclusion processes, and the rights of parents and carers to information about their child’s progress
- Contribute to educational plans and implement identified actions as part of the adoption process. There is now a recommendation to manage changes of placement and school for children and young people

The Children Act 2004

Sources

<http://www.dfes.gov.uk/publications/childrenactreport/>

<http://www.everychildmatters.gov.uk/>

The Children Bill received Royal Assent on 15 November 2004 and is now the Children Act 2004. The Act provides a legislative spine for the wider strategy for improving children’s lives. This covers the universal services which every child accesses, and more targeted services for those with additional needs.

The overall aim is to encourage integrated planning, commissioning and delivery of services as well as improve multi-disciplinary working, remove duplication, increase accountability and improve the coordination of individual and joint inspections in local authorities. The legislation is enabling rather than prescriptive and provides local authorities with a considerable amount of flexibility in the way they implement its provisions.

Details about the implementation of the Act and the wider reform programme are available in [Every Child Matters: Change for Children](#).

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Participate in developing and implementing information sharing protocols across agencies
- Ensure staff have access to the Local Authority Directory for services for children and young people
- Take responsibility for being the named lead professional
- Understand the new local arrangements for child protection and work with child protection staff to disseminate this information

Special Educational Needs and Disability Act 2001

Sources

www.teachernet.gov.uk/doc/6482/Detailed%2520info.htm

Summary

In order to provide equality of opportunity and to help all children to achieve a high standard and release their full potential, the Government introduced the Special Educational Needs and Disability Act in 2001. The Act, linked to a revised Code of Practice, took effect from January 2002.

The Act strengthened the right to mainstream education for children who have statements, and sought to enable more children and young people who have SEN to be included successfully within mainstream education. The legislation clearly supports those parents who want mainstream education for their children and, in these cases, everything possible should be done to provide it. Equally, where parents want a place in a special school for their child, their wishes should be noted. The new statutory framework for inclusion requires that:

- Children and young people with SEN, but without a statement, must be educated in mainstream schools except in exceptional circumstances
- Children and young people who have a statement must be educated in a mainstream school, unless this is against the wishes of the child's parents or is incompatible with the provision of efficient education for other children

In order to meet their responsibilities towards children with SEN, all schools must have due regard to the SEN and Disability Act 2001 and the revised Code of Practice.

'Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.'

SEN Code of Practice 2001

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Work closely with staff who have responsibility for special educational needs

- Lead the coordination of support for a child within and outside school
- Develop and coordinate effective partnerships with parents
- Ensure that procedures follow statutory processes

Care Standards Act 2002

Sources

www.dfes.gov.uk/adoption/lawandguidance/

Summary

The Care Standards Act 2002 created a new regulatory framework for all currently regulated social care and independent health services. The Act sets out a broad range of regulations, covering management, staff, premises and conduct of social care.

Residential special schools are covered by this Act.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Identify, plan and facilitate professional development for staff
- Make arrangements to ensure that the statutory obligations of the Care Standards Act are met

Carers and Disabled Children Act 2000

Sources

<http://www.carers.gov.uk/carers&disabledchildact2000.htm>

Summary

The implementation of the Carers and Disabled Children Act 2000, from 1 April 2001, allows direct payments to be made to parents of disabled children, giving greater choice and flexibility in how they receive services. By 2006, the Carer's Grant, which forms part of the National Carers Strategy, will increase to £185m.

The Department for Education and Skills will continue to work closely with the Department of Health to ensure that continuing support is offered to disabled children through the Carer's Grant. This has already led to increases in the levels of provision of short term breaks for carers, including parents of disabled children.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Act to ensure parents are aware of their rights and processes for claiming the Carer's Grant
- Contribute information to support claims

Children (Leaving Care) Act 2000

Sources

<http://www.wokingham.gov.uk/children-youth-education/leaving-care/>

(Wokingham District Council)

Summary

New laws came into effect on 1 October 2001 for young people leaving local authority care. Under these laws, a young person is entitled as an Eligible Young Person. Those

leaving care under the age of 18 are entitled as a Relevant Young Person. Those over 18 are entitled as a Former Relevant Young Person.

The Leaving Care Team often work with young people to:

- Work out what the young person's needs are
- Keep in touch with young people after leaving care to make sure that support is in place
- Provide a Personal Advisor and a Pathway Plan
- Provide support for education, training or employment
- Provide money to live on. From 1 October 2001, 16 and 17 year old care leavers cannot get benefits (such as the Job Seeker's Allowance, or Housing Benefit) unless they are parents or have a disability
- Tell young people how much money they will get and how it will be paid; help open a bank account and tell young people how to get emergency payments, if these should be needed
- Make sure young people have a decent place to live
- Tell young people about the Children's Rights Service, which will help young people stand up for their rights or complain if they are unhappy
- Help young people to get the health care they need
- Help young people develop the skills they need to live on their own

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Develop and implement systems which ensure that the educational setting carries out its responsibilities
- Ensure that the corporate parent role is fulfilled – including contributing to transition plans leading to employment, training, or further and higher education

Freedom of Information Act 2000

Sources

www.informationcommissioner.gov.uk/

www.teachernet.gov.uk/educationoverview/briefing/news/foi/

Summary

The Freedom of Information Act 2000 was introduced to promote greater openness and accountability across the public sector. The Act came into force in stages, with full implementation by 1 January 2005.

Maintained schools have new responsibilities under the Act, but steps have been taken to keep the impact on workloads to an absolute minimum. All public authorities covered by the Act are required to adopt a 'publication scheme'. This is a document which describes the information they routinely publish.

The DfES is leading a working group to develop an appropriate model scheme (or schemes) for schools across England and Wales and to get approval for them from the Information Commissioner. The focus of this work is on categories ('classes') of information that schools already publish. Freedom of information (FOI) consultation with the DfES will ensure that any extra work for schools is kept to an absolute minimum. Once approved, schools will simply need to formally adopt the appropriate model scheme and, from 29 February 2004, publish information in accordance with it. Further guidance will be developed for dealing with requests for information. Again this will draw to the greatest extent possible on existing practice.

The Information Commissioner is the independent body set up to oversee and enforce the Freedom of Information Act, and the Data Protection Act. A notice to all schools in England, Wales and Northern Ireland has been placed on the Information Commissioner's website: www.informationcommissioner.gov.uk/

Taken from the TeacherNet website

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Develop an action plan designed to implement these requirements and inform parents and carers of their rights
- Develop protocols and guidance for staff when recording information

Race Relations (Amendment) Act 2000

Sources

www.standards.dfes.gov.uk/ethnicminorities/raising_achievement/763611/

Summary

The Race Relations Act 1976, as amended by the Race Relations Amendment Act 2000, gives public authorities a statutory general duty to promote race equality. The aim of the general duty is to make promoting race equality central to the way public authorities work, including schools. The general duty says that the body must have 'due regard' to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity and good relations between people of different racial groups

In addition, the Act places specific duties on schools to help them meet the general duty. They are a means to an end; that is, they should result in and improve the educational experience for all children and young people in particular those belonging to minority ethnic groups. This should not be a purely bureaucratic exercise.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Lead a working group of staff to undertake a review of school policy and practice and make recommendations to the senior leadership team

The Data Protection Act 1998

Sources

<http://www.teachernet.gov.uk/management/ims/datamanagement/dataprotection/>

Summary

This section looks at the data protection issues that educational settings need to be aware of when collecting and processing personal data about children and young people and other individuals. Under the Data Protection Act 1998, all schools processing personal data must comply with the eight enforceable principles of good practice.

Data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate

- Not kept longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

To comply with these principles, every educational setting processing personal data must notify under the Act. Failure to notify is a criminal offence. Schools may see their current notification by checking the Data Protection Register, either by phone on 01625 545740 or online at www.dataprotection.gov.uk.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Evaluate current systems of data collection, handling and processing, and produce an action plan to implement any necessary changes
- Lead a session to brief all staff on operational changes required by the Act

Exclusion

Sources

www.teachernet.gov.uk/wholeschool/behaviour/exclusion/

Summary

When is it appropriate to exclude a child or young person from school?

What are the procedures for dealing with appeals?

How does a head teacher communicate effectively with parents in these difficult circumstances?

In all cases there are many issues to consider and the need for an established framework is apparent. The DfES has drawn up detailed guidance on when and how exclusion should be implemented and procedures for appeals against exclusion. The 2004 guidance is available on the above website, which also contains examples of exclusion procedures. An arrangement to collect exclusion data by the DfES from local authorities is in place. Local authorities will provide up to date guidance on managing the exclusion process.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Evaluate policy and process in line with DfES guidance, recommending changes where necessary
- Be aware of any changes in legislation and guidance as they occur
- Contribute to a child or young person's disciplinary meetings
- Plan re-integration programmes for children or young people who have been excluded
- Support children and young people into alternative provision placements
- Convene and contribute to multi-agency meetings

Attendance

Sources

www.dfes.gov.uk/behaviourandattendance/
www.audit-commission.gov.uk/itc/attendance.shtml

Summary

Improving attendance and behaviour in schools is vital if all children and young people are to make the most of their educational opportunities. Its importance has been underlined by the Government's decision to set targets for reducing levels of truancy and exclusions from school. The Government is supporting many initiatives to improve attendance and behaviour through a range of grants to local authorities and other agencies.

A summary of the wide range of legislation related to attendance appears on the following page.

The DfES behaviour and attendance website provides information, case studies and opportunities for the sharing of good practice on school attendance as part of the Government's aim to raise educational standards for all.

The law as it relates to child employment is outlined at <http://www.teachernet.gov.uk/management/atoz/c/childemployment/>. The main provisions governing the employment of school children in England are contained in Section 18 of the Children and Young Persons Act 1933 as amended by subsequent legislation. This places limits on the age and number of hours that children can be employed. The regulations apply to all children of compulsory school age. Children are regarded as being of compulsory school age up to the last Friday in June of the academic year of their 16th birthday.

Implications for leaders of behaviour and attendance

A leader in behaviour and attendance may have to:

- Meet with the education welfare officer and others to undertake an annual audit of systems and analysis of data
- Produce guidance for parents on the law and practice in relation to attendance
- Be aware of the law on child employment in relation to school attendance
- Represent and lead the school in processes related to more serious attendance issues which might result in prosecution
- Coordinate the work of all the agencies and school staff who support children and young people where attendance is an issue
- Devise and help implement a school attendance policy in line with LEA policy and statutory obligations

Legislation	Content
The Education (Pupil Registration) Regulations 1995	These regulations include information about procedures for registration of pupils. Sample LA and school policies can be found on the DfES website which translates the regulations into practice.
The Education (Pupil Registration) (Amendment) Regulation 1997 The Education (Pupil Registration) (Amendment) (England) Regulations 2001	These regulations consolidate, with amendments, the Pupils' Registration Regulations 1956, to which there have been a number of subsequent amendments, and regulations 11 and 12 of the Education (Schools and Further Education) Regulations 1981. The 1956 Regulations and regulations 11 and 12 of the 1981 Regulations are revoked. Apart from minor drafting amendments, the following changes of substance are made: Where the reason for a pupil's absence cannot be established at the commencement of a session, that absence is to be recorded as unauthorised until the person

	<p>with responsibility for completing the register has ascertained that the absence was authorised and has amended the register accordingly (regulation 7(4)). The name of a pupil may only be deleted from the attendance register when that pupil's name has been deleted from the admission register in accordance with regulation 9 (regulation 7(5)).</p> <p>Where a pupil of compulsory school age has been granted extended leave of absence for the purposes of a holiday and fails to return to the school within ten school days of the expiry of that grant of leave, and the proprietor is satisfied that the failure to return is not due to sickness or any unavoidable cause, that pupil's name shall be deleted from the admission register (regulation 9(1)(e)).</p> <p>Where a pupil has been continuously absent from school for a period of four weeks his name may not be deleted from the admission register until both the school and the local education authority have failed, after reasonable enquiry, to locate the pupil (regulation 9(1)(g)).</p> <p>Where the proprietor has been notified by a parent that a pupil is receiving education otherwise than at school, and has deleted that pupil's name from the register in accordance with regulation 9(1)(c), a return must be made to the local education authority within the ten school days immediately following that deletion (regulation 13(3)).</p> <p>The Education (Pupil Registration) Regulations 1995 have been amended by the Education (Pupil Registration) (Amendment) Regulations 1997 (SI 1997/2624) and Education (Pupil Registration) (Amendment) England Regulations 2001 (SI 2001/2802) – the latter came into force on 1 September 2001.</p>
<p>The Education Act 1996</p>	<p>Section 7 of the Education Act places a duty on parents to secure the education of children of compulsory schools age. This does entitle them to educate children at home. Provision concerning the registrations of pupils can also be found in Sections 434 and 551 of the act.</p>
<p>Crime and Disorder Act 1998</p>	<p>This Act gives police powers to remove truants (Section 16). This power has to be granted by a police officer in authority and has to be applied for in advance of truancy sweeps.</p>

Activity 2 – Resource A

Is anyone breaking the law? Brief case studies

1. Mrs Benn tells her eight-year-old daughter, Lucy, to stay at home to look after her three-year-old brother, Alex, while she goes to work.
2. Mrs Barnard, form teacher, hears that Kieron, Year 9, has brought some sort of weapon to school. Mrs Barnard gets Kieron into a room on his own and demands that he should empty all his pockets and let her search his bag.
3. Kylie, a Year 8 girl, has a statement of special educational need. The school decides to use the additional funds allocated for her not to allocate a specific teaching assistant to work with her on a 1:1 basis, but to create a smaller teaching group for 10 pupils with a range of special educational needs.
4. Sharon gets into a fight and causes cuts to another girl. The head teacher calls her to the office says, 'I saw what happened. I am not going to listen to any excuses from you,' and immediately sends her home on fixed term exclusion.
5. A family applies in total for 15 days absence in one year for holidays for their son, Jamal.
6. A Year 10 boy, Marvin, is going to court for an incident which took place outside school. The youth offending team (YOT) asks the school for a report. The head teacher puts a 'round robin' note on the board asking for written comments from any staff members on Marvin. Then she sends all notes to the YOT.
7. A parent demands to see the file on her daughter, Jasmine, after a fight with another girl, because the parent thinks the school has a 'down on Jasmine'. The head says the parent can see it a week on Monday.
8. At a fast track case conference on attendance, the parent explains reasons for her child's absence and says she wants to help the school put the situation right. The parent is then asked to leave while the panel agrees the next steps.
9. Freddie has a version of Tourette's syndrome which makes him liable to spit and swear. His school refuses to let him come on the school trip because of concerns that he needs additional supervision.
10. Marcus, who is a looked-after child, accuses Michael Wall, an experienced teacher, of 'grabbing him by the neck'. The teacher states that Marcus was refusing to do as asked and was walking away; in an attempt to get his attention he held him by the shoulder and neck.

Activity 2 – Resource B

Is anyone breaking the law? Answer sheet for Session Leader only

Note: National and local guidance and case law is constantly evolving. Always refer to the websites listed in Pre-reading Text 1 for up to date information. Alternatively, consult your professional association for legal advice.

1. Mrs Benn tells her eight-year-old daughter, Lucy, to stay at home to look after her three-year old brother, Alex, while she goes to work.

If this is a regular event then the mother could be prosecuted for failing to ensure attendance. There is no law relating to children being left at home alone. However, depending on circumstances, an eight-year-old looking after a three-year-old could raise issues of child protection or neglect which could result in prosecution.

2. Mrs Barnard, form teacher, hears that Kieron, Year 9, has brought some sort of weapon to school. Mrs Barnard gets Kieron into a room on his own and demands that he should empty all his pockets and let her search his bag.

The power of search with consent is only given to the head teacher or by delegation to his or her deputy. Searching without consent is an issue for referral to police.

3. Kylie, a Year 8 girl, is on a statement on the SEN Code of Practice. The school decides to use the additional funds allocated for this child not to put a specific teaching assistant to work with her on a 1:1 basis, but to create a smaller teaching group for 10 children with a range of special educational needs.

This is perfectly acceptable if the head teacher can demonstrate that this arrangement is an effective way to meet the needs of Kylie.

4. Sharon gets into a fight and causes cuts to another girl. The head teacher calls her to the office says, "I saw what happened. I am not going to listen to any excuses from you," and immediately sends her home on fixed term exclusion.

This is against guidance from DfES which states that the head teacher or deputy in absence of the head teacher, should hear directly from the child or young person about the incident and related issues.

5. A family applies in total for 15 days absences in one year for holidays for their son, Jamal.

The head teacher can grant up to ten days absence for holiday in one school year

6. A Year 10 boy, Marvin, is going to court for an incident which took place outside school. The youth offending team (YOT) asks the school for a report. The deputy head teacher puts a 'round robin' note on the board asking for written comments from any staff members on Marvin. Then she sends all notes to the YOT.

This is against good practice as, with the best will in the world, the quality of comments will vary significantly between staff. Confidentiality principles suggest that round robin requests should be in general form and not specific about the reason for the court appearance. A summary of the key issues will be more helpful to the youth offending team – and will also provide some protection for staff if Marvin or others take offence about specific comments made by individual staff.

7. A parent demands to see the file on her daughter, Jasmine, after a fight with another girl, because the parent thinks the school has a 'down on Jasmine'. The head teacher says the parent can see it a week on Monday.

The head teacher is in the wrong here. Parents have a right to inspect the personal file of their child. A school has a right to have a 48-hour delay in producing the file. As a matter of routine, school staff should know that any notes, comments or records placed in the file may be subject to scrutiny. It is good practice for the file to be supervised at all times by a member of school staff when the parent is reviewing the contents. If the parent asks for a photocopy the school can charge the actual costs of reproduction.

8. At a fast track case conference on attendance, the parent explains reasons for her child's absence and says she wants to help the school put the situation right. The parent is then asked to leave while the panel agrees the next steps.

This is the correct procedure under the fast track legislation and guidance. The panel has to make a judgement about the degree to which the parents are actually trying to support the school and this judgement can only be effectively discussed without the parent present. However the preparatory discussion should involve the parent as fully as possible.

9. Freddie has a version of Tourette's syndrome which makes him liable to spit and swear. His school refuses to let him come on the school trip because of concerns that he will need additional supervision.

A school can refuse to take a child on a trip if there is evidence that exceptionally costly resources (money and/or personnel) would have to be deployed. Case law judgements have been critical of schools which took such decisions without careful discussion and engagement with the parents.

10. Marcus, who is a looked-after child, accuses Michael Wall, an experienced teacher, of 'grabbing him by the neck'. The teacher states that Marcus was refusing to do as asked and was walking away from him; in an attempt to get the boy's attention Michael Wall held him by the shoulder and neck.

Each local education authority should have a policy about care, restraint or control (it is called by various names). This guidance will make clear the circumstances in which physical intervention can be used and the training which should support people in implementing the policy.

Activity 2 – Resource C

What should happen next? Detailed case studies

Case Study 1

Scenario

Alan Barker, the class teacher, is worried by a series of incidents in recent weeks during which Alice has behaved dangerously with a cutting knife during Art lessons. Alice has an IEP which focuses on emotional and behavioural difficulties.

When Alice comes into the lesson she gets overexcited and at times has waved a knife around, once causing a cut on an apron hanging close by. The mother of Zoe, another girl in the class, has mentioned to Alan that she is worried that Alice is presenting a danger. Alan has talked with Alice and so has the deputy, but to no avail. Alan has talked to his union who suggest he consults with the leadership team and completes a Risk Assessment form.

Question for discussion

Where should Alan go next to ensure that what he is doing links up with the whole school strategy to meet the needs of Alice?

Case Study 2

Scenario

Jonathon is a quiet boy who is nervous when dealing with new or difficult situations. One day a scuffle starts in class between two other boys – which then spills over and leads to Jonathon being knocked over. Clare Stephenson, the teacher, deals with the incident by very loud clear instructions to the three boys. It appears to Jonathon that she is accusing him of being a cause of the incident, and he gets upset and soils himself.

Clare's reaction is to say, *'Get outside my classroom you dirty boy. We do not want smelly people in here'*.

He is left standing outside in his soiled clothes for 20 minutes until the end of the lesson.

Question for discussion

You are a teaching assistant working in the class with Clare.

What issues of law, guidance or rights do you think are relevant to this situation?

Activity 3 – Resource A

The Legal Toolkit for Schools

This resource is available via the link below.

<http://publications.teachernet.gov.uk/eOrderingDownload/dfes-0504-2002.pdf>

Intersessional Activity 2 – Resource A

Specific Legal Duty

	Questions	Conclusions
1	Who has specific overall responsibility for implementing this?	
2	How do relevant members of staff member what they are required to do?	
3	How does the school monitor make sure that the duty is being carried out successfully?	
4	What is the best aspect of practice in relation to this?	
5	How could this effective practice be developed further?	
6	What is the priority for development in this area?	
7	How will this development be undertaken?	

Intersessional Activity 3 – Resource A

Recording and reporting outcomes

Prepare and present to the senior team an action plan to develop the practice and policy in relation to attendance... For example, a format for an action plan might include:

Issue	Action	By whom	By when	Monitoring the issue	Evaluation of impact
1. Policy on time of register closure is not clear to everyone	Agree fixed time for closure, inform all staff, parents, children and young people via newsletter	Deputy Head	By October half-term	EWO does sample check to ensure consistency	SMT evaluates accuracy and completeness of lateness figures
2.					
3.					

Intersessional Activity 4 – Resource A

Recording and reporting outcomes

Produce a summary action plan for improvement arising from the questionnaire.

Theme: school detentions.

Issue	Action	By whom	By when	Monitoring the issue	Evaluation of impact
1. There is no clarity about the maximum length of time a detention may last	Produce proposal for standard agreement	Deputy head	Half-term	One week sample of all after school detentions. This then repeated after three weeks	Reduction in complaints about inconsistency
2.					
3.					

References

For use within the session

The following websites are a reliable starting point for specialist leaders of behaviour and attendance who wish to keep their knowledge of relevant legislation current and up to date:

www.teachernet.gov.uk

www.hmsso.gov.uk

www.ntas.org.uk

www.compactlaw.co.uk

www.informationcommissioner.gov.uk

www.audit-commission.gov.uk

www.teachernet.gov.uk/wholeschool/behaviour/violencereduction/

Links to national materials

Secondary Behaviour and Attendance Resources and publications

www.standards.gov/publications/ks3/

DfES 0392-2003 Core day one

These materials are designed for schools to use, supported by Behaviour and Attendance Consultants. They cover sessions on

- Reviewing a behaviour and attendance policy
- Implementing a behaviour and attendance policy
- The audit for secondary and middle schools
- Effective classroom teaching

A booklet containing policy advice for headteachers, behaviour and attendance leaders and consultants and LEA support services is also available.

DfES 0055-2004 Core day two

These materials are designed for schools to use, supported by Behaviour and Attendance Consultants. They cover sessions on

- Focusing on solutions
- Developing staff skills to support pupils
- Creating a positive whole school climate
- Meeting specific staff training needs using development materials

These four sessions follow a particular sequence but can be taken out of context and used separately as training units. It is intended that all schools will deliver the first three sessions. Schools can differentiate to meet their needs by selecting the most appropriate tasks and exploring some of the key ideas in the session.

DfES 0020-2004 Core day three

Monitoring whole school practice to promote positive behaviour and attendance.

Monitoring is an essential element in the school improvement cycle. Regular monitoring helps to measure the ongoing effectiveness of the post-audit improvement plan. It also promotes development at both operational and strategic levels by identifying trends and patterns in behaviour and attendance. If the monitoring process is well designed, it will identify the causes underpinning trends. This helps schools to be accurate in addressing issues and responding to post audit trends. They can also redirect staff training, selecting the most appropriate training pedagogy to engage all staff in responding at an early stage to emerging trends.

DfES 0449-2004 Electronic Audit

An audit to help schools recognise their good practice and build on it, as well as focus on those areas which warrant further attention.

Behaviour and attendance toolkit units

These Toolkit units provide consultants and schools with a comprehensive resource that supports post audit action plans.

The intention is to build on existing good practice and support development activity.

The final versions of all units in CD format are available to order separately.

DfES 1261-2005	Unit two	Everyday policies: rewards, sanctions and promotion of positive behaviour
DfES 1262-2005	Unit three	Dealing with consistently poor behaviour
DfES 0511-2004	Unit four	Bullying
DfES 0156-2004	Unit nine	Attendance

Primary Behaviour and Attendance Resources and publications

Staff development – These consist of ideas for whole school sessions and are appropriate for staff meetings or in-service training days. The materials are organised under the headings used in the electronic audits. These are:

- Leadership and management

The staff development materials mentioned above are as follows:

Working with colleagues on behaviour issues

The emotional aspects of professional development on behaviour management issues
Working with staff with varied attitudes, beliefs and experience
Planning your delivery – structuring a session and identifying potential ‘hotspots’
Meeting your responsibilities and maintaining the focus

Focusing on solutions: a positive approach to managing behaviour

Building on success
Exception finding: when is success being experienced and how can we build on this?
Preferred futures
Rating scales: where are we now and how close are we to our desired solution?

School self-evaluation: behaviour and attendance

An initial self-review
Exploring the in-depth audit tools
What’s in it for us?
Planning next steps

Developing and reviewing your whole-school behaviour and attendance policy

Core principles, beliefs and values underpinning the behaviour and attendance policy
Key components of a behaviour and attendance policy
Promoting ownership of a behaviour and attendance policy
Promoting consistency of practice
Monitoring and reviewing a behaviour and attendance policy

Attendance and punctuality

The impact of poor attendance and punctuality on achievement
Registration
Using attendance data
Improving attendance and punctuality – sharing good practice
Attendance teamwork

Consequences

Exploring beliefs about rewards and sanctions
The use of consequences to promote positive behaviour and reduce unwanted behaviour
Whole-class positive consequences schemes
The use of negative consequences

Responding effectively when children show inappropriate behaviour

Principles for using consequences for inappropriate behaviour

Ensuring win-win outcomes

Using more intrusive consequences and involving school-based support

Understanding behaviour

How patterns of behaviour develop

A way of looking at behaviour in the classroom: the ABC model

The influence of group dynamics on children's behaviour

Relationships in the classroom

The importance of establishing positive relationships with all pupils

Building relationships where it is more difficult

The 'relationship bank' – building relationships with those hardest to reach

Building a classroom community

Conflict and confrontation

What lies behind behaviour?

The processes involved in conflict and confrontation

Strategies for reducing conflict and confrontation in the classroom

Optional additional activities: the assertive teacher

Managing conflict and confrontation

Reference number for all the above is DfES 1732-2005CDO-EN

School self-evaluation and staff development

This CD rom provides a range of tools for primary schools and local authority staff to use in their work to promote positive behaviour and regular attendance. Materials include; The initial review, In-depth audits, Behaviour in the classroom: a course for newly qualified teachers and the staff development materials listed above.